UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/47/705
S/24831
27 November 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Agenda item 28
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Forty-seventh year

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 46/23, which was adopted without a vote on 5 December 1991. In that resolution, the General Assembly requested the Secretary-General to keep Member States and the Security Council informed of progress towards the implementation of the resolution and to submit to the Assembly at its forty-seventh session a report on the situation in Afghanistan and on progress achieved in the implementation of the Agreements on the Settlement of the Situation Relating to Afghanistan, 1/ concluded at Geneva on 14 April 1988 (hereafter referred to as the Geneva Accords), and the political settlement relating to Afghanistan.

2. My predecessor, Mr. Javier Pérez de Cuéllar, reported regularly to the General Assembly and the Security Council on the progress in the implementation of the Geneva Accords and the political settlement relating to Afghanistan (A/43/720-S/20230, A/44/661-S/20911, S/20465, A/45/635-S/21879 and A/46/577-S/23146 and Corr.1).

3. The following paragraphs briefly review the developments that have taken place since the last report of the Secretary-General, the progress towards the implementation of resolution 46/23 and, in accordance with its paragraph 10, my efforts and those of my Personal Representative towards the realization of a comprehensive political settlement. The progress towards the voluntary return of the refugees and the activities of the United Nations system coordinated by the Office for the Coordination of United Nations Economic and Humanitarian Assistance Programmes relating to Afghanistan (UNOCA) are also described in the present report.

I. OFFICE OF THE SECRETARY-GENERAL IN AFGHANISTAN AND PAKISTAN

4. The Office of the Secretary-General in Afghanistan and Pakistan (OSGAP), established on 15 March 1990, assists me in my efforts towards a comprehensive political settlement in Afghanistan. Until 7 August 1992, it was headed by my Personal Representative in Afghanistan and Pakistan, Mr. Benon V. Sevan. Since then, Mr. Sotirios Mousouris has been serving as my Personal Representative. OSGAP is organized into two small headquarters units: one in Islamabad, with a sub-office in Peshawar (which was closed as at 1 July 1992) and one in Kabul. The organizational arrangements for OSGAP have been most useful for remaining in constant touch with all segments of Afghan society and being kept informed of the complex political and military reality.

5. The Military Advisory Unit of OSGAP, comprising 10 military advisers, one each from Austria, Canada, Denmark, Fiji, Finland, Ghana, Ireland, Nepal, Poland and Sweden, is headed by Col. Patrick Nowlan (Ireland) and provides the Personal Representative of the Secretary-General with the military advice required to assist him in implementing the responsibilities entrusted to the Secretary-General. The military officers serving as military advisers are detached temporarily, with the concurrence of their respective Governments, from existing United Nations operations, namely, the United Nations Truce Supervision Organization (UNTSO), the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon (UNIFIL). The Military Advisory Unit is responsible for providing military expertise, as required, and maintaining a continued assessment of the security situation in Afghanistan. The military advisers are organized into two small units in Islamabad and Kabul.

6. I would like to express my appreciation to the two host Governments, namely, the Islamic State of Afghanistan and the Islamic Republic of Pakistan, for their support and cooperation, as well as for providing the necessary assistance in ensuring the security and safety of OSGAP and other United Nations personnel as well as the United Nations premises. I also wish to express my appreciation to all other Governments for their continued support and cooperation. In addition, I would like to take this opportunity to thank the Governments that have been providing military advisers to OSGAP. I also thank the civilian staff and military advisers of OSGAP for their outstanding performance under very difficult conditions and very often at great risk to their personal safety.

II. EFFORTS TOWARDS THE REALIZATION OF A COMPREHENSIVE POLITICAL SETTLEMENT

7. At the outset of my term as Secretary-General of the United Nations, in a statement issued on 27 January 1992, I gave assurances to the Afghan people of my commitment to promote vigorously a political settlement in order to end the protracted conflict in Afghanistan, in pursuance of the mandate entrusted to me by the General Assembly in its resolution 46/23 of 5 December 1991.

8. I was encouraged by the widespread support that had been expressed for the United Nations efforts to promote a political settlement based on the five elements contained in my predecessor's statement of 21 May 1991 (A/46/577-S/23146, annex). I also expressed my appreciation for the resolution adopted at the Sixth Islamic Summit Conference, held at Dakar from 9 to 12 December 1991, which supported the efforts of the Secretary-General of the United Nations.

9. Furthermore, in my statement of 27 January, I welcomed the decision taken on 13 September 1991 by the two Guarantors of the Geneva Accords to discontinue as at 1 January 1992 the delivery of weapons to all Afghan sides. I therefore called on all other Governments concerned to adopt similar decisions, emphasizing as well that there should be a halt not only to the supply of arms but also to the financing of arms purchases.

10. The time seemed ripe to encourage a comprehensive political settlement. I had been urged by a wide variety of Afghan representatives - including political, religious and tribal leaders, opposition groups, resistance commanders and prominent personalities - to convene a gathering of Afghans in order to agree upon a transition period, as well as the transition mechanism, leading to the establishment of a broad-based Government through free and fair elections. Support for such a gathering had also been expressed by the Governments concerned.

11. For my part, I stood ready to facilitate the convening of such a gathering outside the region with the participation of as many segments of Afghan society as possible. Accordingly, I made a determined effort to encourage all segments of the Afghan people, the two parties and the two Guarantors of the Geneva Accords as well as the Governments of the neighbouring countries to work towards a comprehensive political settlement in Afghanistan.

12. During the period under review, my Personal Representative had consultations with all segments of the Afghan people, including political leaders of opposition groups and resistance commanders, based in Peshawar, Tehran and inside Afghanistan, as well as with a multitude of eminent Afghan personalities residing inside Afghanistan and elsewhere. The Governments concerned were also consulted. In addition to bilateral consultations, my Personal Representative held, on 30 March 1992, tripartite consultations in Tehran, with His Excellency Dr. Ali Akbar Velayati, the Foreign Minister of the Islamic Republic of Iran, and His Excellency Mr. Muhammad Siddique Khan Kanju, the Minister of State for Foreign Affairs of Pakistan. My Personal Representative also consulted regularly with the Special Representative of the Secretary-General of the Organization of the Islamic Conference (OIC), Mr. Ibrahim Saleh Bakr.

13. The majority of those consulted supported the convening of a gathering of Afghans with the participation of as many segments of Afghan society as possible. My intention was to call an Afghan gathering during the second half of April, at the United Nations Office at Geneva or Vienna, inviting some 150

middle-level representatives, acceptable to all sides, from all segments of the Afghan people, including representatives of political parties, religious and tribal leaders, opposition groups, resistance commanders, prominent personalities, emigrés and representatives from Kabul. However, a series of accelerated events inside Afghanistan changed the political and military situation in the country and led to the establishment of a new government.

14. On 15 April, President Najibullah informed my Personal Representative that he was prepared to resign that day in order to speed up the process of transferring power and was prepared to leave the country. President Najibullah resigned in the early hours of 16 April 1992, and later that day the Executive Committee of the Watan Party informed my Personal Representative that the Government was prepared to transfer power immediately to an impartial pre-transition council. Should that be unacceptable to the mujahidin groups, they were also prepared to transfer power to a mujahidin government. Soon after, the collective leadership established in Kabul after President Najibullah's resignation adopted a decision to transfer power to a mujahidin government.

15. Following events that occurred in Kabul in the early hours of 16 April, including the aborted departure of President Najibullah, I made a statement on 16 April, expressing concern about those events and my expectation that the safety of all United Nations personnel would be respected and that they would be allowed freedom of movement in and out of the country as their responsibilities required. My statement was strongly endorsed by the Security Council.

16. The former Afghan President sought refuge in United Nations premises in Kabul. His presence on United Nations premises has created a delicate situation, which can only be resolved with the goodwill and cooperation of all concerned. I have been given assurances by the Government of Afghanistan that the immunity of the United Nations premises will not be violated. I expect that the Government will stand by its commitment and that the matter will be resolved in accordance with international law and the recognized standards of human rights. In this context, I am encouraged by the fact that the Government of Afghanistan has repeatedly declared a general amnesty as part of its new policy. I have also kept the Security Council informed of this situation on a regular basis.

17. I had the opportunity to discuss the Afghan question, in Islamabad on 25 April, with President Ghulam Ishaq Khan of Pakistan, Prime Minister Mian Nawaz Sharif and the Minister of State for Foreign Affairs, Mr. Muhammad Siddique Khan Kanju. In Tehran on 26 and 27 April, I also discussed the Afghan question with President Ali Akbar Hashemi Rafsanjani of the Islamic Republic of Iran and Foreign Minister Dr. Ali Akbar Velayati. I also met with the representatives of the Islamic Unity Party of Afghanistan (Hezb-e-Wahdat Islami Afghanistan), an alliance of various Afghan resistance groups based in Tehran.

18. During these discussions, I emphasized that no effort should be spared in promoting national unity and safeguarding the territorial integrity, sovereignty and independence of Afghanistan. I also pointed out that the neighbours of Afghanistan, especially the Islamic Republic of Iran and Pakistan, had a major role in helping the Afghan people in this respect. I stated that the establishment of durable peace and the maintenance of national unity were prerequisites for soliciting the necessary financial and humanitarian assistance from the international community. Regarding developments in Kabul, I emphasized the need for an immediate cease-fire, a declaration of general amnesty for all, respect for human rights and guarantees for personal safety, security and property. I also reiterated the readiness of the United Nations to assist the Afghan people in reconstruction and rehabilitation of their country.

19. Following the declaration by the interim leadership in Kabul to transfer power to the mujahidin, an agreement was reached in Peshawar, Pakistan, on 24 April, among most of the Afghan resistance groups, that Professor Sebghatullah Mojaddedi, leader of the Afghan National Liberation Front (Jabha-e-Najat-e-Melli Afghanistan), should initiate this transfer of power. He arrived in Kabul on 28 April as Chairman of the Jehadi Council and Acting President of the Islamic State of Afghanistan. Transfer of power took place that day at a ceremony held at the Ministry of Foreign Affairs, attended by a delegation of officials of the outgoing Government of the Republic of Afghanistan, including two Vice-Presidents, the Prime Minister, the Foreign Minister and several members of the former Cabinet.

20. The new leadership under Professor Mojaddedi and the Jehadi Council proclaimed the establishment of the Islamic State of Afghanistan, declared general amnesty and introduced several institutional changes.

21. On 28 June, in accordance with the agreement reached in Peshawar, Professor Mojaddedi stepped down at the end of his two months term and was succeeded by Professor Burhanuddin Rabbani, leader of the Islamic League of Afghanistan (Jami'at-e-Islami Afghanistan). Under the Peshawar Agreement, Professor Rabbani would serve for four months as the Head of the Islamic Leadership Council and concurrently as Head of the Islamic State of Afghanistan. Thereafter, an Islamic Council would be formed, which would decide on the form of the future interim government, which, it is understood, would hold elections within 18 months to two years.

22. Several Governments, especially members of OIC, voiced their support for the Council that took power in Kabul on 28 April. I pledged the United Nations support in rendering all possible humanitarian and other assistance to Afghanistan.

23. The establishment of the Interim Council in Kabul is a step forward in the political process in Afghanistan. Nevertheless, the subsequent fighting that erupted in August indicates that a national consensus has not yet been achieved. On the contrary, fighting amongst various groups and military challenges to the Government caused a large number of casualties and vast

material damage to Kabul. Hundreds of thousands of city residents fled their homes and became displaced. The large-scale violence also endangered the diplomatic community and caused the death of two diplomats and two United Nations staff of Afghan nationality. Several Governments decided to evacuate their embassies either partially or fully.

24. In the wake of such violence, I issued a statement on 10 August appealing to all the parties to the conflict to exercise restraint, lay down their arms and begin a dialogue at once, so as to find a solution that would bring peace and security to their war-torn country. I stated that if the United Nations was to continue its humanitarian and other operations in Afghanistan, I would expect that the safety and protection of the United Nations personnel, property and premises would be assured. I also called upon the Governments of the neighbouring countries and concerned regional organizations to use their influence to help to end this tragedy.

25. On 12 August, the members of the Security Council expressed their utmost concern over the wide-scale fighting that had broken out in Kabul and that had already resulted in heavy loss of life and property, including to foreign missions and their personnel. They urged that the Government of Afghanistan take every measure to ensure the safety and security of all diplomatic and international missions, as well as their personnel in Kabul, and called upon all those involved in the hostilities to cease such hostilities and establish the necessary conditions for the safe evacuation of foreign personnel. On 14 August I renewed my appeal, and on 20 August I briefed the members of the Security Council on the deteriorating situation in Kabul. Under the circumstances, on 22 August, I decided to instruct the remaining United Nations staff in Kabul temporarily to evacuate the city. My Personal Representative arranged this evacuation and assisted in the efforts of the diplomatic community to obtain guarantees for this evacuation from the capital. The evacuation of United Nations personnel was completed on 23 August. Circumstances permitting, the United Nations staff will return to Kabul at the earliest opportunity.

26. On 22 August I had a telephone conversation with President Rabbani during which we reviewed the situation in Afghanistan. I assured President Rabbani that I would spare no effort in mobilizing international humanitarian assistance to the Afghan people. I recalled my consolidated appeal of 5 June 1992 to the international community for emergency humanitarian assistance for Afghanistan. I also informed the President that my Personal Representative, in consultation with United Nations agencies, was preparing an assessment of requirements for humanitarian assistance to Afghanistan resulting from the latest round of hostilities. For his part President Rabbani gave me his assurances that his Government would use all means at its disposal to ensure the necessary measures for the safety and security of all diplomatic missions and United Nations premises as well as their personnel and property.

27. Concurrently, my Personal Representative cooperated with interested Governments in the area in encouraging the parties to the conflict to agree to a temporary cease-fire so as to allow diplomatic personnel safe evacuation

from Kabul. As at 29 August all diplomatic personnel who wished to leave Kabul were able to do so. Regrettably, on 28 August rockets were fired at the airport while Chinese, Indian, Indonesian and Russian diplomatic personnel were being evacuated; one aircraft was destroyed and four crew members were wounded, thus briefly delaying the evacuation of some diplomatic personnel.

28. In spite of these difficulties and the slow response to the appeals for a halt to the fighting, mediation efforts continued until a cease-fire was agreed effective on 29 August, although scattered fighting continued in parts of the city. A peace commission was created and a neutral Afghan buffer force was deployed between warring factions. Consequently, the security situation in and around Kabul has improved, permitting several fact-finding and technical assistance missions of United Nations international staff to visit Kabul for short stays. They had consultations with government officials and assisted the efforts to restore basic services.

29. While attending the summit of the Movement of Non-Aligned Countries at Jakarta in early September, I had the opportunity to discuss the situation in Afghanistan with President Rabbani, during which I reiterated the United Nations commitment to continue providing humanitarian assistance to Afghanistan. Subsequently I instructed my Personal Representative to make necessary preparations to meet essential needs during the forthcoming winter.

30. On 31 October the Afghan Leadership Council extended Professor Rabbani's tenure as President for an additional period of 45 days. The Leadership Council decided that the main task for President Rabbani was to organize and convene the Shura-e-Ahl-e-Hal-wa-Aqd (the Council of Learned People Who can Resolve and Decide), which is scheduled to take place on 10 December 1992.

III. HUMANITARIAN AND ECONOMIC ASSISTANCE PROGRAMMES FOR AFGHANISTAN

31. It should be recalled that in November 1991, UNOCA issued the Operation Salam Programme for 1992, with a proposed budget of US$ 133.7 million. This programme had been proposed following detailed consultations among all the participating United Nations agencies.

32. The rapid changes in the political situation in Afghanistan leading to the establishment in April 1992 of the Government of the Islamic State of Afghanistan and the consequent mass return of refugees from the neighbouring countries greatly increased the humanitarian needs of the country. I therefore launched, on 5 June 1992, a Consolidated Appeal for Emergency Humanitarian Assistance for Afghanistan (June-December 1992), requesting donors to contribute $180 million for the emergency humanitarian needs of Afghanistan for the remaining months of the current year. This figure included an amount of $76 million, representing the shortfall in funding for the activities included in the original Operation Salam Programme for 1992 published in November 1991.

33. The continued shelling and rocketing of Kabul in the months of July and August 1992 resulted in large-scale destruction, claiming the lives of over 3,000 civilians and forcing thousands to flee to the north, east and south of the city in search of security. In order to address the most immediate needs in Kabul, the United Nations has been delivering, in consultation with the Government of Afghanistan, essential medical supplies and food aid to the capital for distribution among the neediest civilian population. Likewise, food aid, medical supplies and shelter materials have been mobilized from the United Nations offices in Jalalabad and Mazar-i-Sharif to the thousands of displaced persons from Kabul who have settled to the north and east of the capital.

34. On 25 August 1992, my Personal Representative issued a Note on Immediate Needs in Afghanistan, in consultation with government authorities, the relevant United Nations agencies and non-governmental organizations. The Note requested $10 million, within the context of the 5 June Consolidated Appeal, for the urgent relief activities necessitated by the hostilities in Kabul. The Note was presented to representatives of the donor community in New York, Geneva and Islamabad.

35. On 1 November 1992, a Note on Emergency Winter Needs of Afghanistan was issued, seeking a further $17.6 million for winter programmes within the context of the 5 June Appeal. The Note followed upon discussions with the President, the Foreign Minister and several other high-ranking officials of Afghanistan, held by the Personal Representative during his visit to Kabul on 21 October 1992. Based on these discussions and inter-agency consultations, UNOCA identified the emergency needs for the winter of the most vulnerable groups within four "life-saving" sectors: food, fuel, shelter and health. Increased donor support for humanitarian activities in these areas is urgently required in order to ensure the survival of many thousands of Afghans throughout the winter.

36. Although the security situation prevailing in Kabul and certain other locations in Afghanistan may be precarious, there are many parts of the country that have been living in relative peace. Were funds to be made available, the United Nations system has the capacity to provide the humanitarian assistance desperately needed by the Afghan people.

37. As at 30 October 1992, Governments had pledged or contributed an amount of $59.3 million towards the 5 June Consolidated Appeal. Despite the serious budgetary constraints faced by the United Nations system in Afghanistan, work by the agencies and programmes has continued. In the current year cooperation between agencies has continued, with inter-agency meetings being held regularly at both Kabul and Islamabad. In addition, all United Nations activities are presently being carried out in close consultation with the Government of Afghanistan. My Personal Representative has remained responsible, in his capacity as head of UNOCA, for coordinating the activities carried out within the United Nations system. In that capacity, he reports to the Under-Secretary-General for Humanitarian Affairs.

Voluntary return of the refugees

38. The change of government in Afghanistan in April 1992, accompanied by the cessation of hostilities in most areas outside Kabul, led to an enormous increase in voluntary repatriations from both the Islamic Republic of Iran and Pakistan. In the first 10 months of 1992, nearly 1.5 million Afghans returned home. Some 60,000 new refugees arrived in Pakistan as a result of the fighting in Kabul (the Government of Pakistan estimates that approximately 30,000 refugees crossed from Afghanistan to Pakistan in August alone), but despite the late season, significant repatriation was continuing up to the end of October.

39. The voluntary return of refugees from Pakistan continued to be facilitated by the Office of the United Nations High Commissioner for Refugees (UNHCR)/World Food Programme (WFP) repatriation grant programme, whereby returning refugee families receive a cash grant of $132 and 300 kilograms of wheat to help defray the cost of transport and initial reinstallation. The number of refugees receiving the grant increased dramatically in May 1992 and has remained high. In 1992 alone, as at the end of October, 208,000 families, comprising over 1.2 million individuals, had benefited from this programme. Similar assistance for the voluntary return of refugees from the Islamic Republic of Iran to help defray the cost of transport and to provide 50 kilograms of WFP wheat per individual is expected to start on 1 December 1992.

40. Using the grant, refugees make their own transportation arrangements. Hundreds of vehicles loaded high with belongings have crossed from Pakistan into Afghanistan daily. During the months of June and July, as many as 10,000 men, women and children travelled homeward each day. Although the High Commissioner had not been able to arrange for similar assistance for refugees returning from the Islamic Republic of Iran before 1 December 1992, between one and two thousand refugees were repatriating from there each day in mid-1992. Over 200,000 refugees have already returned from the Islamic Republic of Iran this year and the High Commissioner is providing assistance in that country to upgrade border exit facilities.

41. The resources provided for repatriation and reintegration programmes have unfortunately not kept pace with the number of repatriating refugees. The 5 June Consolidated Inter-agency Appeal for Emergency Humanitarian Assistance to Afghanistan described the arrangements foreseen to assist repatriation and the integration of those returning and requested funds for direct assistance for 1 million returnees. It is now clear that despite the hostilities in Kabul and unsettled security conditions elsewhere, the numbers returning during the last seven months of 1992 will well exceed this number and that even greater resources are needed to facilitate their repatriation.

42. UNHCR has been frequently on the verge of exhausting the funds available for the repatriation grant project, with just enough money on hand at any given time to continue the project for a few more days or weeks. There has been very little left over for the urgently needed rehabilitation work in the

refugees' home communities. With the massive voluntary return of refugees, the interrelated nature of humanitarian programmes has been highlighted, with additional stress being placed on other essential sectors such as mine clearance, agriculture and health care.

43. The return of refugees to their devastated homeland is a moving demonstration of their confidence in the future of Afghanistan and in their own ability to cope with adversity. The Afghan people are well aware that the task of rebuilding their country will be arduous and UNHCR has found that the refugees are generally well-informed about the conditions that will confront them upon return. I am concerned, however, that unless the additional resources requested in the 1 November Note on Emergency Winter Needs to meet winter shelter requirements are forthcoming immediately, it may not be possible to avert severe hardship and suffering during the impending winter.

44. After months of discussion, the texts of agreements establishing two tripartite repatriation commissions, comprising representatives of the Governments of Afghanistan, the Islamic Republic of Iran (one commission) and Pakistan (the other commission), and of UNHCR, have now been agreed. The principal objective of each commission is to facilitate the safe, orderly and voluntary repatriation of Afghan refugees and their peaceful reintegration in Afghanistan. The agreement covering return from the Islamic Republic of Iran was signed on 31 October 1992, while the agreement covering return from Pakistan is expected to be signed shortly.

45. Despite the large numbers who have repatriated to Afghanistan this year, more than 3 million Afghans continue to live outside their country as refugees in the Islamic Republic of Iran, Pakistan and elsewhere. Conditions in parts of Afghanistan remain too unstable to warrant active encouragement to repatriate, as opposed to the current facilitation of voluntary repatriation by UNHCR. International protection and assistance therefore continue to be provided to those refugees who elect for the time being not to repatriate. The extent to which conditions can be created throughout Afghanistan that would allow all refugees to return in safety, and to receive at least the minimum necessary support on return, will determine both the success of the repatriation that has already occurred and the prospects for the return of the refugees who remain in exile.

46. Subject to an improvement in the security situations for the country, UNHCR estimates that about 1.5 million refugees will return to Afghanistan from the Islamic Republic of Iran and Pakistan in 1993.

Agriculture

47. The Operation Salam Programme made the rehabilitation of agriculture a top priority. Since January 1991, the Food and Agriculture Organization of the United Nations (FAO) has provided 11,200 metric tons of seeds and fertilizer as well as 600,000 fruit tree saplings. In addition, in the same period, more than 350,000 animals were vaccinated, 400 kilometres of irrigation karezes were repaired and technical assistance, chemicals and

equipment were provided for the elimination of locust and sun pest infestations in the north of the country. It is essential that these programmes receive increased support from the international community during the period of refugee return. However, although the 5 June Consolidated Appeal requested funds of $21.6 million for this sector, I regret to report that only $370,000 has so far been pledged towards these requirements.

Food assistance

48. In 1991, WFP distributed over 60,000 metric tons of wheat in Afghanistan through food-for-work, vulnerable group feeding and food-for-bazaar activities. With the mass return of refugees and increased population movements inside Afghanistan, as well as the cessation of bilateral food aid received from the USSR in the past, requirements for the food assistance programmes have increased considerably in 1992. In addition to relief aid, activities supported through food-for-work projects include repair and construction of roads, houses, schools, reservoirs and canals. WFP is also continuing to provide assistance to the refugees in the Islamic Republic of Iran and Pakistan, in addition to collaborating with UNHCR in the repatriation grant programme.

49. On 6 April 1992, in response to the deteriorating situation in Kabul, I appealed to the international community for 30,000 tons of emergency food assistance. Substantial food assistance requirements were also included in the 5 June Consolidated Appeal and the 25 August Note on Immediate Needs. As a result of these efforts, by 30 October 1992, WFP had delivered more than 27,000 metric tons of wheat to Kabul and other provinces in Afghanistan since the beginning of the year. The 1 November Note on Emergency Winter Needs indicates that, while WFP has adequate food stocks in the pipeline for the winter, funding is urgently required to cover transport and related costs. A total of $8 million is required to cover internal transport, storage and handling charges for 120,000 tons of food to be delivered during the winter months.

Mine clearance programmes

50. As refugees return to their homes, increasing numbers are being disabled by mines and unexploded ordnance. Figures provided by the International Committee of the Red Cross (ICRC) show conclusively that the number of civilians being injured by mines and seeking treatment at ICRC hospitals has risen substantially since repatriation began.

51. The mine clearance programme, a project executed by UNOCA, provides mine awareness training as well as actual mine clearance. During 1992, as at 30 October, 172,000 Afghan men, women and children received basic mine awareness training, bringing the total number of trained persons to over 800,000 since the inception of the programme. Almost 2,000 Afghans are employed in the mine clearance programme, clearing mines and other unexploded ordnance from access roads, villages, irrigation channels and agricultural land. Since the start of 1992, approximately 16 square kilometres in 10

provinces were surveyed and marked, and 6 square kilometres cleared. The 5 June Consolidated Appeal requested $15 million for this essential programme. As at 30 October 1992, only $5.8 million had been pledged.

52. Clearing mines is a very tedious and dangerous operation, which in 1992 regrettably took the lives of eight Afghan mine clearers and two British nationals working for the Halo Trust. In addition, 13 Afghans received disabling injuries in the course of their mine clearing activities.

53. It is estimated that up to 10 million mines of various kinds may have been planted in Afghanistan. In order to clear mines and unexploded ordnance from affected primary routes, villages and commercial and agricultural land, only a fraction of these mines would have to be destroyed at this stage. The remainder of the mined areas would be marked for later demining, where practical. Since the start of the demining programme in 1990 about 45,000 mines and unexploded ordnance have been destroyed and 20 square kilometres of land have been cleared. The result of surveys in 17 provinces and experience gained to date suggest that a further 60 square kilometres represent the highest priority task for clearance in order to enable most people to resume a normal, productive life. At present levels of funding, the mine clearance programme can expect to clear mines from areas totalling 10 square kilometres each year. At the current rate, therefore, this will take six years to complete, but if funding were doubled to $20 million per year, this could be achieved in three years. The demining programme has the capacity to expand in response to additional funding.

Health

54. The improvement of health facilities in Afghanistan is one of the most urgent tasks facing the Government of Afghanistan, for which the support of the international community is required. The United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) continue to undertake activities in the areas of disease prevention and control, essential drug production and supply, strengthening of health systems, drinking-water supply and sanitation, supplementary feeding and monitoring and information, with the support of bilateral agencies and non-governmental organizations. The 5 June Consolidated Appeal identified emergency needs in the health sector totalling $30.6 million, but the shortfall as at 30 October was $25.9 million.

55. Complementing its ongoing activities in cooperation with WHO for the restoration and improvement of essential health services in Afghanistan, including the winter-related needs, UNICEF has also identified critical needs for winter fuel in Afghanistan in order to help to avoid a further deterioration of public health during the coming months. In particular, in connection with the 1 November Note on Emergency Winter Needs, UNICEF has indicated heating fuel requirements for hospitals, health clinics, orphanages and other institutions in Kabul and the provincial centres.

Drug control

56. There is a strong danger that the return of refugees may lead to an increase in the already huge production of illicit drugs in Afghanistan. While repairing their homes and putting back their land into cultivation, returnees in some areas may be tempted to guarantee some immediate cash income by planting opium poppy. To avert this danger, drug programmes were included in the Operation Salam Programme for 1992 and in the 5 June Consolidated Appeal. The United Nations Drug Control Programme foresees three methods of tackling this problem. Firstly, the Government will be encouraged to introduce strict regulations outlawing the production and sale of illicit drugs. Senior members of the new administration have already denounced the production of illicit drugs. Secondly, existing programmes supported by the United Nations Drug Control Programme to make the population aware of the dangers surrounding the abuse of illicit drugs will be stepped up and included in all United Nations education programmes. Thirdly, the support the United Nations agencies can provide for the repair of irrigations systems and wage payment for community work will encourage existing and potential opium growers to engage in alternative subsistence activities.

57. The United Nations Drug Control Programme is working with the Government of Afghanistan to prepare a comprehensive drug control strategy. It is hoped that developments in the political situation would allow for the implementation of such a strategy. However, even the modest request for $800,000 included in the 5 June Consolidated Appeal has not met with any response.

Rehabilitation

58. The United Nations Development Programme (UNDP) continues to play a major role in many aspects of rehabilitation work. Indeed, some of the emergency rehabilitation requirements are so vital that, without international assistance, they may impede other important humanitarian activities. The preparation of a UNDP-sponsored medium-term rehabilitation strategy for Afghanistan was begun in the first half of 1992, but progress was briefly interrupted by the hostilities in Kabul last summer. The head of UNOCA is participating in the Rehabilitation Strategy Steering Committee in order to help to ensure that the transition from relief to development is a smooth one.

59. Commendable efforts are also being made by the many other specialized agencies and programmes of the United Nations system with activities relating to Afghanistan: the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Fund for Agricultural Development (IFAD), the UNDP Office for Project Services, the United Nations Centre for Human Settlements (UNCHS), the United Nations Industrial Development Organization (UNIDO), the United Nations Population Fund (UNFPA) and the United Nations Development Fund for Women (UNIFEM). In addition, the United Nations Volunteers programme (UNV) has more than 50 specialists working in Afghanistan, who are involved with most of the United Nations agencies and programmes in the country.

Floods

60. On 2 and 3 September 1992, floods caused by heavy rainfall in the Hindu Kush mountains to the north of Kabul struck villages along the Kalotak, Ghorband and Shutal valleys, killing many and destroying houses and agricultural land. A United Nations team from Mazar-i-Sharif immediately proceeded to the area to assess the damage and deliver emergency food, medical and shelter supplies to the affected population. As at 10 September 1992, the United Nations Department of Humanitarian Affairs/United Nations Disaster Relief Organization (UNDRO) had received pledges totalling $180,000 towards the relief effort.

IV. OBSERVATIONS

61. The extent of human suffering in Afghanistan has been horrendous: more than 1 million dead, an estimated 2 million disabled, tens of thousands of orphans and widows, over 5 million refugees and more than 2 million internally displaced persons in a country that has been subjected to total devastation. It is tragic that in the aftermath of this enormous sacrifice and at a crucial time of transition towards normalcy, political stability and reconstruction, the people of Afghanistan had to experience more suffering and destruction resulting from hostilities in Kabul in July and August.

62. The influx of more than 1 million refugees during 1992 would create an emergency situation in almost any country, regardless of its level of development. Afghanistan, one of the world's least developed countries even before its devastating 14-year war, faces an emergency of immense proportions, which is only compounded by the huge rate of refugee return. Unlike other refugee situations, where efforts to encourage voluntary repatriation have encountered difficulties, we are facing a remarkable phenomenon with the world's largest group of refugees. Most of those returning home are doing so irrespective of the very difficult conditions inside Afghanistan, a country that under the present circumstances lacks the absorptive capacity to accommodate such high numbers of returnees.

63. It is thus all the more regrettable that the response to my Consolidated Appeal made on 5 June 1992 has been far from satisfactory. Unless the international community provides the minimum necessary funds, we may witness a disastrous situation by the winter. Apart from the serious financial crisis faced by the UNHCR in its voluntary repatriation programme, lack of funds has prevented the expansion of life-saving mine clearance operations, while virtually no new funds were available for such essential sectors as agriculture, irrigation, health care and the rebuilding of roads. The lack of funding for humanitarian activities has potential consequences that are exponential rather that arithmetic. Unless needs can be adequately and effectively addressed in the early stages, the possibilities for overcoming the humanitarian emergency in Afghanistan in the foreseeable future will be limited.

64. At the present time, there is a serious situation developing not only concerning the returning refugees and the displaced persons, but also for the population as a whole. Assistance is necessary not only to help Afghans to rebuild their lives, but also, in some cases, for basic survival. Without the necessary assistance to the countryside, there will be a rush to the already explosively overcrowded urban centres, overwhelming rehabilitation and reconstruction efforts following years of destruction and causing further serious economic and social crises. In this context, a new inter-agency assessment of the humanitarian situation will be undertaken in the coming weeks with a view to preparing a further consolidated appeal for emergency humanitarian assistance, to take effect from 1 January 1993.

65. Operational constraints in Afghanistan continue to be experienced owing to unstable security situations. Even though the remaining international staff of the United Nations system in Kabul were evacuated for security reasons, the United Nations has gradually strengthened its presence in other provinces in the country. In this regard, I would like to pay a special tribute to the brave and dedicated efforts of all United Nations personnel, as well as those of the non-governmental organizations working with the United Nations to bring humanitarian assistance to the Afghan people, who are performing their duties often at great risk to their personal safety. It is my hope that the current cease-fire and the efforts of the Government to broaden its political base will improve the security situation in the country, and that the people of Afghanistan will at long last be able to conduct the political processes necessary for lasting peace, stability and reconstruction of the country.

66. Since the signing of the Geneva Accords in April 1988, the fundamental premise guiding the United Nations in its efforts to encourage a political settlement in Afghanistan has been that the will of all the Afghan people must be respected, without any external interference. In this connection, the United Nations has always acted as a catalyst and a facilitator for the Afghan people themselves to resolve their differences politically. I have repeatedly emphasized that, whatever the plan, the Afghan people alone should determine their future, through a strictly Afghan political process, free from foreign interference. In this context I took note of the suggestion of the Foreign Minister of Afghanistan at the forty-seventh session of the General Assembly that Afghanistan may request the United Nations to supervise the proceedings of the planned assembly of representatives of the Afghan people. It is essential that any political process be fully representative of the diverse segments of Afghan society.

67. The Peshawar Agreement reached on 24 April contains ingredients from the five principles contained in the Secretary-General's statement of 21 May 1991 (A/46/577-S/23146, annex). However, despite the relatively peaceful transfer of power on 28 April 1992 in Kabul, a continuation of violence has regrettably complicated the establishment of a new government. I remain deeply concerned about the intermittent fighting between different groups, particularly in Kabul, which was subjected in August to indiscriminate rocket and artillery fire, causing large numbers of casualties.

68. I appeal to all Afghan leaders and groups to put the interest of the Afghan people above all else, for the sake of the unity of the nation and the territorial integrity of Afghanistan. It is essential for all to concentrate on a dialogue to resolve their differences peacefully and address the concerns of all segments of the Afghan society. The need for the establishment of a broadly representative government through peaceful and democratic procedures based on the will and the traditions of the Afghan people remains essential. This is the time for understanding, forgiveness and the healing of wounds.

69. Prisoners of war, Afghan and non-Afghan, including former Soviet servicemen, continue to be held by various groups. Provision of information on the fate and condition of these persons is essential; their humane treatment and their release should be ensured. ICRC stands ready to provide assistance in that respect. I therefore appeal to all sides urgently to release these prisoners, on humanitarian grounds, so that they can return to their families. It is essential that this sad chapter of the war be closed.

70. I welcome the declaration of general amnesty made at the time of the transfer of power on 28 April 1992, an amnesty that should apply to all. In addition, it is essential to provide guarantees of safety and security for all Afghans, respect for human rights, and protection of personal property.

71. The international community has consistently reaffirmed the right of the Afghan people to determine their own future and form of government free from outside intervention. I appeal to all Governments concerned to support a political process in Afghanistan that would promote national unity, safeguard the territorial integrity of Afghanistan and respect the right of the Afghan people to decide their own future. Any action to the contrary will have serious political and security implications not only for Afghanistan but for the whole region. It is also evident that the developments in Afghanistan should not negatively affect the stability and security of neighbouring countries.

72. What is urgently required is that international efforts on behalf of Afghanistan focus on the country's massive needs in the humanitarian, economic and social sectors, in order to allow the Afghan people to consolidate peace with rehabilitation and reconstruction. Assistance would be required for activities ranging from demining, which is a prerequisite in a number of areas for the revival of agriculture and transport, to promoting formal and informal processes of political participation. In brief, what Afghanistan needs now is what I called "post-conflict peace-building" in my report to the Members of the United Nations, An Agenda for Peace (A/47/277-S/24111). The United Nations stands ready to continue providing as much assistance as it can to enable the people of Afghanistan, who have suffered so much and for so long, to meet the challenges before them.

Notes

1/ See Official Records of the Security Council, Forty-third Year, Supplement for April, May and June 1988, document S/19835, annex I.

UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/47/707
S/24832
23 November 1992
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-seventh session
Agenda items 25, 28, 30, 33, 35, 43, 45, 46 and 143
COOPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION OF THE ISLAMIC CONFERENCE
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY
QUESTION OF PALESTINE
POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA
THE SITUATION IN THE MIDDLE EAST
LAUNCHING OF GLOBAL NEGOTIATIONS ON INTERNATIONAL ECONOMIC COOPERATION FOR DEVELOPMENT
QUESTION OF CYPRUS
CONSEQUENCES OF THE IRAQI OCCUPATION OF AND AGGRESSION AGAINST KUWAIT
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-seventh year

Letter dated 19 November 1992 from the Permanent Representative of Mauritania to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the final declaration of the fifth regular session of the Presidential Council of the Arab Maghreb Union, held from 15 to 16 Jumada I A.H. 1413 (10-11 November A.D. 1992).

I should be grateful if you would have the present letter and the aforementioned Declaration circulated as an official document of the General Assembly, under agenda items 25, 28, 30, 33, 35, 43, 45, 46 and 143, and of the Security Council.

(Signed) Mohamedou OULD MOHAMED MAHMOUD
Ambassador
Permanent Representative

ANNEX

In the Name of God, the Merciful, the Compassionate

Final declaration of the fifth regular session of the Presidential Council, held at Nouakchott from 15 to 16 Jumada I A.H. 1413 (1402 MWR) (10-11 November A.D. 1992)

At the invitation of His Excellency President Maawiya Ould Sid' Ahmed Taya, President of the Islamic Republic of Mauritania, and pursuant to articles 4 and 5 of the Treaty instituting the Arab Maghreb Union, the fifth regular session of the Presidential Council of the Arab Maghreb Union was held at Nouakchott from 15 to 16 Jumada I A.H. 1413 (1402 MWR) (10-11 November A.D. 1992) and was attended by the following:

His Excellency President Maawiya Ould Sid' Ahmed Taya, President of the Islamic Republic of Mauritania;

His Excellency President Zine El Abidine Ben Ali, President of the Republic of Tunisia;

His Excellency President Ali Kafi, President of the Supreme Council of State of the People's Democratic Republic of Algeria;

His Excellency Mr. Mohamed Karim Lamrani, Prime Minister, representing His Majesty King Hassan II, King of the Kingdom of Morocco;

Mr. Muhammad Abu al-Qasim al-Zawiy, Secretary of the Libyan Arab Brotherhood Bureau at Rabat, representing His Excellency Colonel Muammar Qaddafi, Leader of the Great Revolution of 1 September of the great Socialist People's Libyan Arab Jamahiriya.

At the opening of the session, His Excellency President Maawiya Ould Sid' Ahmed Taya, President of the Islamic Republic and Chairman of the Presidential Council, took the floor to express a warm welcome to the heads of delegations from the different States of the Union. He said the Mauritanian people was proud to host the session and determined to maintain its active participation in building the Maghreb edifice.

The Chairman also drew attention to the achievements of joint action by the Union and to the significant steps so far taken in the direction of integration and convergence. Some of these had taken the form of agreements, which were of great importance in view of their direct bearing on the daily life of Maghreb citizens. Others were evident in the productive dialogue established with regional groupings in Africa and Europe, which would help to build strong bridges between North and South. Such achievements were being made in changed international conditions: these conditions must be addressed and their negative aspects avoided.

At the conclusion of his address, His Excellency President Maawiya Ould Sid' Ahmed Taya said that the unification and economic and social integration of the Arab Maghreb constituted a serious stage on the road towards the goal of comprehensive Arab unity.

His Excellency President Ali Kafi, President of the Supreme Council of State of the People's Democratic Republic of Algeria, then spoke on behalf of the heads and members of delegations. He congratulated His Excellency President Maawiya Ould Sid' Ahmed Taya on the trust placed in him by the Mauritanian people when electing him President of the Islamic Republic of Mauritania and addressed his sincere best wishes to the fraternal people of Mauritania.

The President then highlighted the strategic position of the Arab Maghreb, which must be exploited for the benefit of peace, progress, prosperity and stability in that vital region. He emphasized the need to build a cohesive and firmly founded Arab Maghreb governed by fraternity, concord and solidarity. He went on to say that not all the gains made by the Union had been translated into reality and called for an objective assessment, to be carried out by Maghreb experts, of how a strong and harmonious Maghreb entity could be formed on the basis of a long-term strategy, drawing on our own enormous resources.

In conclusion, President Ali Kafi again thanked the leadership and people of Mauritania for their hospitality and for the warm reception extended to his and other delegations in the noble land of Mauritania.

The Council then proceeded to examine the items on the session's agenda, for the purpose of reviewing the course and dimensions of Maghreb action since the previous Presidential session. It also exchanged views and comments on issues of joint Maghreb significance.

1. Maghreb action

(a) Progress in building the Union

The Council considered the report submitted to it by the Council of Foreign Ministers concerning the course of Maghreb action during the period and progress made in building the Arab Maghreb Union, despite the actual conditions and external factors affecting this course of action. It expressed the wish that all bodies concerned with joint Maghreb action should continue their efforts to give the necessary impetus and to impart added dynamism to the process, with a view to fulfilling the aspirations of the Union's peoples and to realizing their legitimate hopes of creating a single Maghreb space where citizens would enjoy freedom of movement, ownership and investment.

With regard to progress in implementing the 15 Maghreb decisions and agreements, the Council took note of the status of the agreements, which are currently undergoing constitutional and technical procedures in preparation for their imminent entry into force. The Council also registered its

satisfaction at the entry into force, as of the beginning of the fourth month of this year, of the Agreement on unified bilateral payments between Maghreb central banks.

The Council was also apprised of the results of the joint meetings held between Ministers for Foreign Affairs and other Ministers and Secretaries concerned with Maghreb action. It expressed satisfaction at the progress made at those meetings in overcoming technical difficulties, with a view to advancing the completion of executive programmes and establishing priorities for Union action in the context of a clear plan ensuring progress in solid and carefully considered phases.

In this connection, the Council asked the Ministerial Economic and Financial Committee to take measures and make the necessary technical arrangements for the inauguration of a free trade area, and to make appropriate preparations for the other stages of the Maghreb joint development strategy.

The Council also took note of progress made in establishing organs and institutions of the Union in their permanent headquarters. It expressed satisfaction that the General Secretariat had moved into its headquarters at Rabat and begun to carry out its functions, and stressed the need to strengthen this organ of the Union until all its human and material components were in place.

The Council likewise considered ongoing practical arrangements to install the other organs and institutions of the Union in their headquarters and, in this connection, emphasized the importance of these institutions in view of their major contribution to fulfilling Maghreb aspirations and to constructing a better future based on integration, unification and convergence.

(b) Decisions

The Council adopted the following decisions:

A decision amending articles 4 and 5 of the Treaty instituting the Arab Maghreb Union, concerning the periodicity of meetings of the Presidential Council;

A decision to sign the following Maghreb instruments:

The Maghreb Charter on environmental protection and sustainable development;

The Agreement on unified judicial organization between the States of the Arab Maghreb Union;

The Agreement on cultural cooperation between the States of the Arab Maghreb Union;

A decision specifying the headquarters of the organs and institutions of the Arab Maghreb Union;

A decision to appoint the Secretary-General of the Arab Maghreb Union;

A decision to approve an amendment to the rules of procedure of the Consultative Council;

A decision to authorize the agreements and executive instructions formulated by the Specialized Ministerial Committees and relating, in particular, to the Arab Maghreb Prize for cultural achievement; the organization of public transactions; certificates of origin; and the unified system of qualifications for judicial institutes; as well as instructions defining industrial and sanitary standards for veterinary drugs and the import of livestock.

2. Political consultation

In consonance with the year of dialogue and consultation, the Council conducted an assessment of the regional, Arab, African and international situation with a view to coordinating positions and identifying ways of harnessing Union efforts at all levels, in the service of Arab rights and of the causes of international justice, development and peace. In this context, it also commended the efforts to attain these objectives undertaken during the period of the current Presidency.

With respect to the embargo and sanctions imposed on the great Socialist People's Libyan Arab Jamahiriya as a result of the crisis between it and certain Western countries, the Council, recalling the statements adopted by the Union, by the League of Arab States and by the Islamic Conference Organization, and affirming once again its condemnation of all forms of terrorism, expresses its concern at the harm done by this embargo to the Libyan people and to the other peoples of the Arab Maghreb. It also expresses the Union's solidarity with the Jamahiriya and commends the initiatives taken by the Jamahiriya to comply with Security Council resolutions in accordance with the requirements of international law.

In this context, the Presidential Council affirms the Union's determination to persist in efforts to identify a peaceful, fair and honourable solution of the crisis and calls on the Security Council to reconsider its decisions in respect of the Jamahiriya with a view to lifting the embargo.

In its review of the situation in the region, the Council deplored all forms of terrorism and extremism and affirmed the importance of coordination and cooperation among member States to counter and to curb this dangerous phenomenon, which is alien to the Maghreb community, to its civilization and to its ancient traditions of tolerance and solidarity.

Because this phenomenon represents a threat to the stability and security of our community, and to the democratic path it is following, the Council urges all countries to observe the principle of mutual respect for the sovereignty and security of States and to take action to prevent the use of their territory or institutions by individuals or groups seeking to harm our community, its noble values and its generous faith.

The Council reviewed the various stages of the Middle East peace process. After listening to Mr. Yasser Arafat, President of the State of Palestine, and noting the absence of any noticeable progress in the peace talks, it expressed the hope that efforts would be intensified in the search for a fair and peaceful solution of the question of Palestine that would guarantee the Palestinian people's right to self-determination and to the establishment of its own State, as well as Israel's withdrawal from all the occupied Arab territories, including the Holy City of Jerusalem. It also called on the two States sponsoring the talks to strive for tangible progress in accordance with the established conditions and guarantees.

The Council also considered the situation in the occupied Palestinian territories, which had deteriorated as a result of the constant repressive measures of the Israeli occupation forces against innocent civilians. It expressed its continuing support for the intifadah of the courageous Palestinian people and appealed to the conscience of the international community to end the suffering of a people fighting for the restoration of its dignity, its usurped rights and its self-determination in a manner commensurate with international legitimacy and the principles of human rights.

With respect to the Arabian Gulf region, the Council expressed concern at the sufferings undergone by the fraternal Iraqi people as a result of the international embargo, which had done great harm to children and the elderly by depriving them of the most basic elements of life and medical care, and called for the embargo to be lifted. It affirmed its support for Iraq's territorial integrity and sovereignty over all its national soil. At the same time, it stated that respect for the independence, sovereignty and territorial integrity of the fraternal State of Kuwait was imperative and hoped that all States of the region would duly resume their participation in the process of strengthening Arab solidarity.

The Council condemned the measures taken by Iran, in violation of international agreements, to alter the status of the United Arab Emirates island of Abu Musa. It declared its support for the proven rights of the United Arab Emirates to the islands of Abu Musa, Greater Tunb and Lesser Tunb, and called for a solution of the disputes by peaceful means and in accordance with the provisions of international conventions, in order to spare the region from any sources of tension and to channel all efforts into cooperation on a basis of harmony and good-neighbourliness.

The Council expressed its profound concern at the continuing civil war in Somalia and the ever-worsening tragedy resulting from the fighting, the spread of hunger and the daily rise in the number of victims. It called on the

fraternal groups in Somalia to let wisdom prevail and to place the higher national interest above every other consideration, in order to ensure the country's unity and independence. The Council also insisted on the need to step up international humanitarian assistance at this critical stage and to formulate an effective plan to ensure such assistance reached those for whom it was intended.

The Council examined, as a matter of deep concern, the situation in the former Republic of Yugoslavia, and especially in Bosnia and Herzegovina, whose peoples were undergoing constant suffering as a result of the aggression and the siege imposed by Serbian forces, as well as those forces' use of ethnic cleansing, concentration camps and campaigns of genocide.

The Council deplores such barbarous acts, expresses its sympathy with the peoples of Bosnia and Herzegovina and calls on the United Nations and all forces advocating peace and goodwill to work for the removal of the Serbian embargo and to ensure the delivery of help and humanitarian relief supplies to the besieged populations, as well as respect for the independence and sovereignty of the Republic of Bosnia and Herzegovina and the solution of outstanding problems by peaceful means.

With regard to the strengthening of relations between the Arab Maghreb Union and similar African regional groups for the purpose both of consolidating joint African action and of affirming - given their close historical ties and shared civilization and destiny - that the peoples of the Union belong to this continent, the Council reiterated its readiness to maintain contacts with the Economic Community of West African States, with a view to identifying modalities for cooperation. At the same time it affirmed the Union's determination, pursuant to these objectives and in conformity with the whole spectrum of African concerns, to strengthen its links with other African groupings.

In the light of its interest in African issues and concerns, the Council considered the current situation in Liberia and in Angola. It expressed serious concern at the bloody developments in those two fraternal States and called on the conflicting parties in both countries to settle their differences by peaceful means and to harness their energies to the cause of development.

The Council condemned the policy of apartheid in South Africa, expressing the hope that negotiations between the parties concerned would continue until the apartheid regime was dismantled and replaced by a democratic system representing the majority.

The Council also expressed its keen interest in Africa's development concerns and the multiple challenges posed to development action in general by the shortage of indigenous resources, successive cycles of drought and aggravation of the debt burden. It urged the international community to intensify its efforts and to marshal assistance in support of indigenous African endeavours, with a view to fulfilling the aspirations of our African peoples to development and increased prosperity.

With respect to the dialogue between the Union and the nations of south-western Europe, particularly in the "five plus five" framework, the Council affirmed the importance of resuming this dialogue in order to promote solidarity, security and stability in the region, in recognition of the countries' interrelated interests and of the historical, cultural and commercial links between their peoples in the context of a shared Mediterranean heritage. In this connection, the Council called for a resumption of the work of joint expert groups in preparation for the "five plus five" summit meeting which it was agreed should be held in Tunisia at the earliest opportunity.

Turning to relations between the Union and the European Community, the Council calls for a resumption of meetings between the Ministers for Foreign Affairs of the two groups with a view to discussing the most appropriate ways of establishing an advanced framework for cooperation based on partnership, in such a way as to preserve the interests of nations of the Union and the gains made by our community residing in Europe in the light of Europe's future requirements.

In this context, the Presidential Council stresses the importance of ensuring respect for the rights of the Maghreb community at a time of major changes in Europe, as well as the need to enhance their training and to preserve their unique identity.

His Excellency President Maawiya Ould Sid' Ahmed Taya thanked Their Excellencies the Heads of State of countries members of the Union for their efforts and pertinent proposals, which had been of great effect in ensuring the success of their work. The President affirmed the determination of the Union's leaders to continue their productive labours with a view to attaining the objectives of the Treaty instituting the Union and to strengthening ties with similar groups in Africa and Europe in a framework of mutual respect and shared interests. In conclusion, he expressed the pride felt by the Mauritanian people at the presence of the Maghreb leaders in this part of the great Arab Maghreb.

His Excellency President Zine El Abidine Ben Ali, President of the Republic of Tunisia, also delivered an address in which he expressed thanks and appreciation to His Excellency President Maawiya Ould Sid' Ahmed Taya, President of the Islamic Republic of Mauritania, for his unceasing valuable efforts to strengthen the Arab Maghreb edifice. Referring to action taken by the Union, the President emphasized that progress so far was worthy of pride: if further development was required, it should correspond to the aspirations of the Maghreb peoples and further strengthen the Union's credibility, with respect both to Maghreb citizens and to the international domain. The President affirmed that the objective circumstances of the Maghreb situation must not constitute an obstacle to the progress of Union action but should instead serve as a permanent incentive to eliminate such obstacles.

His Excellency President Zine El Abidine Ben Ali added that the time had come to endow the Union with the means to achieve its objectives, particularly

by strengthening the General Secretariat so that it could perform its role in the optimum manner. He expressed the determination of Tunisia, which would have the honour of assuming the Union's Presidency at the beginning of the coming year, to maintain the same endeavour, participation and initiative by all means likely to give the required impetus to Union action - a process of historical necessity and inevitability.

At the conclusion of the session's work, the Presidential Council expressed sincere sentiments of gratitude and appreciation to His Excellency President Maawiya Ould Sid' Ahmed Taya, President of the Islamic Republic of Mauritania and current Chairman of the Presidential Council, and to the Government and people of Mauritania for their warm welcome, hospitality and excellent organization, which had been crucial to the success of the session.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/24833
23 November 1992

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

I. INTRODUCTION

1. The present report is presented in compliance with resolution 729 (1992) of 14 January 1992 and resolution 784 (1992) of 29 October 1992, by which the Security Council agreed to extend the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) for a period ending on 30 November 1992. It describes the activities of ONUSAL during the period since my last reports in May and June 1992 (S/23999 and Add.1). In the meantime, in letters dated 19 and 28 October and 11 November 1992 (S/24688; S/24731 and S/24805), I informed the members of the Security Council of certain obstacles that had arisen in the implementation of the peace process in El Salvador and of how these had been overcome.

2. ONUSAL, headed by my Special Representative, Mr. Iqbal Riza, has continued to carry out all the verification functions assigned to it under the several agreements ("the Peace Accords") signed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) between 4 April 1990 and 16 January 1992. ONUSAL has also intensified its participation as an observer in the work of the National Commission for the Consolidation of Peace (COPAZ), composed of the two signatories of the accords and the political parties represented in the National Legislative Assembly. COPAZ drafts legislative measures related to the accords and supervises their execution. In response to difficulties that have arisen in execution of the peace accords, and with the cooperation of the parties, ONUSAL has expanded its function beyond the verification role envisaged in its original mandate and now uses its good offices in a variety of ways to facilitate implementation of the accords.

3. Under the timetable for the implementation of the accords, the process of ending the armed conflict was to have been completed by 31 October 1992. By that date, the Government was to have completed several major commitments of a political and institutional nature and FMLN was to have demobilized all its combatants, destroyed their armament and reintegrated them into civilian life under programmes provided by the Government.

4. The tightness of the timetable, an integral component of the accords, together with the complexity of the various commitments undertaken by the two sides, led to major delays in completing certain crucial commitments. Within a few months the accumulation of these delays became an obstacle to the implementation of the peace process. Consequently, in consultation with the two parties, ONUSAL on 17 June 1992 reprogrammed those parts of the timetable that had been affected by the delays. In the face of further delays, a second reprogramming was agreed on 19 August 1992 following a visit to El Salvador by Mr. Marrack Goulding, Under-Secretary-General for Peace-keeping Operations.

5. In both these reprogrammings the fulfilment of certain key commitments that the Government was to complete by 31 October 1992 had to be postponed beyond that date. These included the provision of agricultural land in the former zones of conflict to persons who had occupied properties there during the conflict; this was originally to have been completed by the end of July 1992. Another concerned the establishment of the National Public Security Academy to train the new National Civil Police; this had been due on 1 May 1992. In response to delays in the implementation by the Government of its undertakings, FMLN had asserted that the dismantling of its military structure would also have to be reprogrammed in order to maintain the link in the original timetable between the key undertakings of the two parties.

6. While the United Nations has maintained the position that, in principle, each party is obliged to comply with its commitments without making this conditional on reciprocal compliance by the other party, it must be kept in mind that the original timetable was conceived as a carefully synchronized whole, comprising parallel actions by both sides. The delays described above disturbed the balance established in the timetable and, even after the two reprogrammings, it became evident that that balance had not been re-established.

7. An evaluation by the United Nations on 17 September 1992 of the two sides' compliance with the second reprogramming concluded that the land issue had emerged as a main obstacle to the effective implementation of the accords. To overcome this obstacle, I sought the advice of specialized bodies in the United Nations system and on 13 October 1992 I presented to the parties a proposal that I considered to be a reasonable solution to the land issue taking all relevant factors into account. My proposal was accepted by FMLN and the Government on 15 and 16 October 1992 respectively.

8. Notwithstanding this, it soon became evident that the cumulative delays, and the reactions of the parties to them, were leading the peace process into an impasse, each party holding the other responsible and insisting on contradictory interpretations of key clauses of the accords. In this situation, I presented on 23 October 1992 a proposal under which the schedule for compliance would undergo further adjustments. In this proposal, the final phase of the dismantling of the military structure of FMLN was to commence by 31 October 1992 and be completed by 15 December 1992.

9. As I informed the Members of the Security Council on 11 November 1992 (S/24805), FMLN accepted my proposal contingent upon acceptance of it by the Government. The Government, however, reserved its position on some aspects of the proposal and raised questions related both to the inventory of weapons submitted by FMLN and to the schedule for the implementation of the recommendations of the Ad Hoc Commission on the Purification of the Armed Forces. President Cristiani also announced that, pending clarification of these questions, the Government was suspending implementation of the agreed programme for the restructuring, reduction and demobilization of the Armed Forces. In these circumstances I decided to send Mr. Goulding and Mr. de Soto, my Senior Political Adviser, to San Salvador to assist in overcoming the difficulties which had arisen. They arrived there on 30 October 1992.

10. Following extensive consultations separately with the Government and FMLN, Mr. de Soto (I had requested Mr. Goulding to leave San Salvador for Angola on 2 November) reported to me on 6 November that he had successfully concluded with the parties arrangements which, if implemented, would formally bring the armed conflict to an end on 15 December 1992. Agreement on these arrangements was recorded in letters that Mr. de Soto exchanged on my behalf with President Cristiani and the High Command of FMLN respectively. In these letters, it was expressly stipulated that compliance with specific undertakings by one side would be contingent upon compliance with specific undertakings by the other side. In light of the outcome of these consultations and in accordance with the final provision of the calendar of implementation contained in the Chapultepec Agreement, I made the necessary adjustments to the timetable for implementation of the accords, and ONUSAL is now verifying, with close attention, the implementation by the parties of the arrangements which each of them agreed with Mr. de Soto.

11. It is in this context that the present report, describing ONUSAL's activities in support of the peace process, is presented to the Council, together with my recommendations on ONUSAL's future mandate and strength.

II. VERIFICATION OF THE CESSATION OF THE ARMED CONFLICT

A. Composition and tasks of the Military Division

12. The Military Division, which remains under the command of Brigadier-General Victor Suanzes Pardo (Spain), had a strength of 375 military observers in February 1992. It now consists of 226 military observers from Brazil, Canada, Colombia, Ecuador, India, Ireland, Spain, Sweden and Venezuela and 8 medical officers from Argentina. This reduction has been made possible by the progress achieved in implementation of the agreement relating to the cessation of the armed conflict.

13. While continuing to ensure the observance of the cease-fire, the Division has assumed further tasks related to the verification of the reduction of the Armed Forces of El Salvador (FAES) and the reintegration of FMLN ex-combatants into civilian life. After 15 December 1992, the Division's main functions

will be to continue to verify the reduction of FAES and the introduction of the new armed forces reserve system, to coordinate the clearance of minefields and to help consolidate peaceful conditions, particularly in the former zones of conflict. During January 1993, the Division will, if my recommendations are approved by the Security Council, be reorganized and further reduced to 103 military observers. Thereafter, its size will be reviewed periodically.

B. Separation and concentration of forces

14. Under the first reprogramming of 17 June 1992, certain adjustments were made in the concentration points allocated to FAES. With some delay, FAES completed its concentration on 26 June 1992, including withdrawals from specified installations, such as the headquarters of the former Treasury Police.

15. Under the same reprogramming, FMLN presented a schedule for the final concentration of its combatants. This was completed on 26 June 1992, except in several locations where there remained small groups of armed and uniformed personnel in support of so-called "public security committees" (see para. 44 below). In response to ONUSAL's continued insistence, these personnel eventually completed their concentration, after considerable delay, by 30 August 1992.

C. Reintegration of FMLN ex-combatants and hand over of weapons

16. In accordance with the first reprogramming, the initial contingent of 20 per cent of FMLN ex-combatants was demobilized on 30 June 1992, two months after the date stipulated in the original timetable. However, ONUSAL considered the number of weapons handed over to be insufficient. FMLN attributed the low number to the fact that this first contingent included mainly support personnel who were normally unarmed. At ONUSAL's insistence, it agreed to hand over additional weapons to approximate to 20 per cent of its inventory. This was completed on 18 August 1992 after several delays, but the majority of weapons received were in poor condition and this raised further doubts about the authenticity of this first demobilization.

17. The reintegration of the second contingent of 20 per cent of FMLN ex-combatants, which had been reprogrammed for 31 July 1992, was suspended a few days before that date by FMLN, which protested that the Government was not complying with the first reprogramming. This second contingent was finally demobilized on 24 September 1992, following the second reprogramming of 19 August 1992. A further 20 per cent of FMLN's arms inventory was handed over. On this occasion most weapons were in reasonable condition.

18. In my proposal of 23 October 1992 the dates for the demobilization of the remaining three contingents of 20 per cent of FMLN ex-combatants were set for 31 October, 20 November and 15 December 1992. The third contingent was duly demobilized on 30 and 31 October 1992. The arms handed over to ONUSAL were

mostly in good condition. Demobilization of the fourth contingent duly began on 20 November 1992.

19. The demobilization of FMLN personnel disabled in the war began on 31 August 1992 and continues to this date.

D. Inventory of FMLN troop strengths and armaments

20. I have referred in earlier reports to my concern about whether the inventory presented to ONUSAL by FMLN in February 1992 represented a full accounting of FMLN's holding of arms. As part of the second reprogramming, FMLN, after some delays, presented an updated inventory, which is currently being verified by ONUSAL. Following the consultations described in paragraphs 9 and 10 above, FMLN is to submit a final inventory of its weapons on 30 November 1992, concentrate them in the designated zones by that date and begin their destruction on 1 December 1992.

E. Marking of minefields and removal of mines

21. A working group composed of the United Nations Children's Fund (UNICEF), ONUSAL, FAES and FMLN established to study the problem of minefields has collected all available information on their types and location and is currently signposting mined areas. A plan for the removal of the mines is to be coordinated by the Military Division at the request of the Government and FMLN. A delegation of the Inter-American Defense Board of the Organization of American States (OAS) visited El Salvador on 15 August 1992 to study how it might participate in this plan. Meanwhile, ONUSAL is supporting a UNICEF public education campaign to make the population aware of the dangers posed by minefields and the work being done to clear the mines.

III. ARMED FORCES OF EL SALVADOR

A. Civil defence

22. The disarming and disbandment of the civil defence units was carried out in April and May 1992 in accordance with the FAES reduction plan. The Military Division has verified that the process was completed by 30 June 1992. Routine patrolling has confirmed that the command structures of these units have been dissolved, but monitoring is being maintained to establish that their disbandment is effective.

B. Reduction of the armed forces

23. The Military Division is verifying that the reduction of the armed forces called for by the peace accords is being carried out in accordance with the reduction plan submitted by the Government to the Secretary-General. The strength reductions carried out up to late October conformed with that plan.

As described in paragraph 9 above, President Cristiani announced on 28 October a temporary suspension of implementation of the plan, but this will be restored in early December as a result of the consultations described in paragraph 10 above. The Division's verification, through visits to units and review of relevant documents, has determined that the majority of demobilized personnel were released directly into civilian life, while a number were transferred to non-military service. In cases where units are disbanded but their personnel are transferred to other military service, the Division continues to verify that such transfers do not conflict with the accords.

24. On 6 July 1992, the Joint Chiefs of Staff of FAES submitted a revised force reduction plan to ONUSAL. To date, two immediate reaction infantry battalions (Bracamonte and Belloso) have been dismantled. Information was requested on the location of their demobilized personnel after it was ascertained that former personnel of the Belloso Battalion had been recruited by the National Police. This development and its possible extension to other immediate reaction infantry battalions is being investigated to determine whether it can be reconciled with the relevant provisions of the accords. The dismantling of a third immediate reaction infantry battalion (Atlacatl) began on 22 September 1992 but was suspended by the Government in late October. It will now be completed by 8 December 1992, subject to the arrangements discussed in paragraph 10 above.

C. Substitution of the Territorial Service by an armed forces reserve system

25. The Military Service and Reserve Law called for by the accords was promulgated on 30 July 1992 but was ambiguous on the legal and operational dissolution of the Territorial Service. As part of the second reprogramming of 19 August 1992, the Government issued an "interpretation decree" on 7 September 1992 confirming that the Territorial Service had effectively been dissolved. The Ministry of Defence immediately commenced implementation of the dissolution process with ceremonies in the various regional military headquarters. The Military Division monitored this operation and received lists indicating where the former local commanders had been relocated and confirming the closing of their offices. Verification is being maintained to establish that the dissolution is effective.

26. Implementation of the new armed forces reserve system has not yet begun because the regulations to implement the new Military Service and Reserve Law have not yet been issued. The date on which ONUSAL is to be informed of the regulations is now 30 November 1992.

D. Other issues

27. The Academic Council of the Military College was appointed on 31 July 1992, rather than on 11 May 1992 as originally scheduled. The Council has drawn up new admission criteria, as required under the accords.

28. Although the new State Intelligence Agency was constituted on 28 April 1992, six weeks behind schedule, and the appointment of its director was three months late, the former National Intelligence Department was disbanded by a general order of the Ministry of Defence on 9 June 1992, a few days ahead of schedule. The Military Division has verified that the Department has officially been disbanded, that its facilities have been handed over to other units of FAES, that its military personnel have been transferred to other units and that some civilian personnel have also been relocated in the FAES civilian administration. However, FMLN has expressed concern that FAES continues to undertake intelligence activities related to the internal situation in El Salvador. ONUSAL has not been able to establish clearly what functions the transferred personnel are performing in their new posts and, despite repeated requests, the location of the records of the former Department has not been divulged. Apparently no civilian personnel were transferred to the new agency. Efforts continue to obtain information from FAES on these various points.

29. Although military weapons held by private individuals were to be recovered by FAES starting on 1 September 1992, there is no indication that this process has begun. ONUSAL has requested, but not yet received, the recovery plan, so that it can verify its implementation.

IV. PUBLIC SECURITY MATTERS

A. Police Division

30. The Police Division has fully assumed its assigned role of monitoring and assisting the National Police during the period of transition until the deployment of the new police established by the accords, the National Civil Police. Specific tasks were not defined in the accords, but the Division was able to develop its functions and procedures quickly.

31. The strength of the Division, which continues to be commanded by General Homero Vaz Bresque (Uruguay), is currently 303 police observers. They are contributed by Austria, Chile, France, Guyana, Italy, Mexico, Norway, Spain and Sweden. The establishment of some 60 new National Police posts throughout the country since the cease-fire has considerably increased demands on the Division. The early deployment of some 50 additional police observers will be required to supervise the Auxiliary Transitory Police (Policía Auxiliar Transitoria) (see paras. 44-46 below). In the longer term the Division, which at present carries out an average of 100 patrols every 24 hours, will be reduced with the progressive deployment of the National Civil Police.

32. The Police Division has cooperated with the Military Division in verifying the dissolution of civil defence units and coordinated monitoring will continue. Police observers have assisted in locating illegal arms caches. The Division also supports the Human Rights Division, to which 18 police observers are seconded, and conducts special inquiries when required.

33. The Division ensures that special security measures are provided for FMLN leaders, as required by the Agreements.

B. National Public Security Academy

34. The National Public Security Academy, which will train the new National Civil Police, started its activities on 1 September 1992, four months behind schedule, partly owing to problems regarding premises and funds. The latter difficulty remains and adequate financing is assured only until the end of 1992. The Academy has requested additional funds for 1993 but a decision on this matter will not be taken before the end of December 1992. Although the Governments of Norway, Spain and the United States of America are presently supporting the Academy financially, major additional financial support from the international community will be necessary to ensure that it can train the required personnel over the next two years, so that the National Civil Police can be fully and effectively deployed.

35. The Academy is provisionally housed in the premises of the former Bracamonte Battalion and the former Public Security Academy. The Government is negotiating the possible purchase of permanent premises for the Academy.

36. Under the accords the Academy is to receive some 330 basic-level recruits each month for training in order to complete the replacement of the National Police by the National Civil Police by mid-1994. Two groups totalling 622 students joined the Academy on 1 September 1992, 357 more on 15 October 1992 and another 330 on 16 November 1992. Of the 120 candidates for the senior and executive levels who also joined the Academy on 15 October 1992, 60 are now being trained in Puerto Rico and 15 others are training in Spain. The remainder are being trained at the Academy. Although the accords establish that applicants from the National Police should be evaluated by the Director-General of the National Civil Police before the admission examinations, this requirement was not fulfilled and evaluations are well behind schedule.

37. The accords stipulate that candidates for the Academy shall be selected in such a way as to ensure that most recruits did not participate directly in the armed conflict and that the proportion of former FMLN combatants is no greater than that of former members of the National Police and vice versa. It has been agreed that candidates from FMLN and the National Police will each constitute 20 per cent of the intake. As I have reported to the Council (see S/23999, para. 29), the Government had undertaken not to present former members of the Treasury Police and the National Guard as candidates in the immediate future. However, several candidates from the National Police who recently applied for the senior and executive levels were found to have belonged to the National Guard, the Treasury Police or FAES before being transferred to the National Police after signature of the agreement of 16 January 1992. The Academic Council has decided to accept these candidates despite ONUSAL's objections that this contravenes the accords and subsequent undertakings by the Government. This problem is still awaiting resolution in ONUSAL's discussions with the Government.

38. The Academic Council has also accepted the prior training and service of candidates in the National Police as being equivalent to the university studies required for enrolment in the courses for senior and executive levels. ONUSAL is still awaiting a reply to its request for information as to the technical grounds on which such a decision was taken.

39. ONUSAL is monitoring closely the Government's compliance with its commitment not to use National Police, ex-public security forces or FAES personnel as advisors or instructors in the Academy and in the National Civil Police.

40. The Academy has been receiving the support of an international technical team of experts from Spain and the United States. Having fulfilled its main task of assisting in setting up the Academy, the team is now providing the Director and the Academic Council with advice on the finances of the Academy, the recruitment and selection processes, the curricula, the disciplinary regime, etc. Instructors from Chile, Norway and Spain are fully involved in training activities. ONUSAL has also provided the Academy with instructors on a provisional basis. Further, ONUSAL is monitoring the admission examinations and has recommended improvements in these.

41. Effective monitoring of the functioning of the Academy is being obstructed by failure to accept ONUSAL's proposal that it attend the meetings of the Academic Council as an observer. ONUSAL is attempting to resolve this matter with the Government in order to ensure proper verification of this important aspect of the accords.

C. National Civil Police

42. The deployment of the National Civil Police is due to start by the end of January 1993 with the graduation of the first group of police personnel from the Academy. According to the accords, the organization of the National Civil Police is to be defined with close international cooperation and supervision, coordinated by the United Nations. ONUSAL already has offered technical assistance to the Director-General of the National Civil Police, who is in the process of preparing the organizational structure of this new body.

D. Transfer of armed forces personnel to the National Police

43. Following ONUSAL's intervention (see S/23999, para. 30), the Government halted the transfer of ex-Treasury Police and ex-National Guard personnel to the National Police. However, the Police Division recently ascertained that self-contained units from one of the demobilized immediate reaction infantry battalions, including officers, had been integrated into the National Police. Upon inquiry, the Government confirmed this, asserting that this was not expressly prohibited by the agreements. ONUSAL has taken the position that such transfers clearly contravene the spirit of the agreements and increase distrust at a time when it is essential to build confidence. The Government

continues to insist that it is entitled to effect such transfers of trained personnel in order to cope with the increase in crime, especially in the rural areas where the former National Guard and Treasury Police used to function. In this situation and in order to minimize the negative effects of such transfers, ONUSAL has insisted that they be on an individual basis, and not in units or sub-units, as this would amount to a redeployment of army personnel. Further, ONUSAL should be informed in advance of such transfers and should receive relevant lists of personnel.

E. Special regime

44. Delays in the concentration of forces and in the designation of the Director-General of the National Civil Police held up the definition of the special regime for the maintenance of public security in the zones of former conflict as required by the accords. Meanwhile, armed FMLN ex-combatants and civilian supporters had established "public security committees" to assume public order functions. Under the second reprogramming of 19 August 1992, FMLN concentrated these ex-combatants in the designated areas. In late September the Director-General, in close consultation with ONUSAL, defined the special regime and established the Auxiliary Transitory Police (see para. 31 above).

45. The deployment of the Auxiliary Transitory Police commenced in early October. It is responsible for maintaining public order and security in former conflict zones until its replacement by the new National Civil Police. Its members are drawn from recruits to the Academy who, after a 15-day preparatory course, serve in the Auxiliary Transitory Police for short periods. They then return to the Academy to complete their formal training.

46. Under the command of the Director-General of the National Civil Police, the Auxiliary Transitory Police is being deployed in about 30 posts in former conflict zones. Twelve posts had been established by mid-November 1992. Each of the Auxiliary Transitory Police's contingents is under the constant supervision and guidance of officers from the Police Division of ONUSAL, who also provide daily academic instruction. Further, ONUSAL provides the Auxiliary Transitory Police with logistical support. The special regime will be phased out gradually, following the deployment of the National Civil Police in the former zones of conflict. Meanwhile, the National Police is to enter these zones only in special situations under orders from the Director-General of the National Civil Police and with ONUSAL escort.

47. The problems referred to in this section, and particularly those mentioned in subsections B, C and D above, give rise to concern in so far as they reflect a certain reluctance, in some quarters, to accept fully the spirit and the thrust of the peace accords as regards public security matters. The essence of these is to move from public order agencies controlled by the armed forces to a new National Civil Police exclusively controlled by civilian authorities, as a new body, with a new organization, new cadres, new training and educational mechanisms and a new doctrine.

V. HUMAN RIGHTS

48. In the most recent report of the Director of the Human Rights Division (A/46/955-S/24375), issued at the beginning of August 1992, it was stated that, following the cease-fire on 1 February, substantial improvements had been recorded with regard to rights linked to humanitarian law, as well as to other rights related to life and to personal integrity and liberty. Nevertheless, concerns were also expressed regarding the persistence of apparent violations such as summary executions, death threats, systematic maltreatment of detainees and, especially, shortcomings in the due process of law and in the obligation of the State to provide safeguards to its citizens.

49. The persistence of anonymous death threats which, in the majority of cases, are directed at potential witnesses, or relatives of victims, and of unsolved violent deaths, continues to be a cause for concern. With regard to those cases that have been reported to the various government authorities, there is no indication to date that adequate measures have been taken either to investigate the threats or to protect the threatened persons.

50. During the past several months, ONUSAL has been deeply concerned by frequent incidents of violent death and threats to personal security, many of which might have political motivations. It was agreed in the second reprogramming of 19 August 1992 that the Division would give special attention to such cases. The Police Division can be of particular help in obtaining pertinent information. However, it is difficult to reach clear conclusions in such cases as the Government's investigation system is deficient and ONUSAL cannot be a substitute for it. The Mission continues to impress upon the authorities the urgent need to investigate such cases thoroughly and to take appropriate action.

51. Mr. Philippe Texier, who established and directed the Division of Human Rights under difficult conditions before the cease-fire came into effect, completed his assignment on 30 June 1992. I wish to place on record my recognition of his valuable services. The recently appointed Director of the Division, Mr. Diego García-Sayan, will give priority to the strengthening of the Division's verification activities under the San José Agreement (see S/21541, annex), and the various international human rights instruments to which El Salvador is a party. The Director will continue to present periodic reports in compliance with the San José Agreement.

52. In this context, the Division will place special emphasis on the evolution of the situation of fundamental human rights, including trade union and labour rights. In addition, it will concentrate its efforts on an extensive set of actions in support of the judicial system. This will be complemented by education programmes to promote respect for human rights.

VI. ECONOMIC AND SOCIAL MATTERS

A. Land-tenure system

53. The complexity of the land issue, which, as reported above, has delayed implementation of the accords, arises from two causes. One is inherent in the economic, political and social sensitivity of land questions in countries with predominantly agricultural economies where, as in El Salvador, land is in short supply and unevenly distributed, and where the population is large and increasing rapidly. The second is that the accords reflect only in general terms broad understandings that were reached during the negotiations, leaving details to be worked out during the implementation process.

54. The accords required that arrangements for the transfer of land to ex-combatants of both sides and for the legalization of the situation relating to land occupied during the conflict be completed by 31 July 1992. This implied completion of all stages of the process, including verification by COPAZ of the inventory of affected lands presented by FMLN, definition of conditions of transfer (determination of the number of potential beneficiaries, their entitlements, terms of payment, etc.) and the actual transfer of titles. Prolonged delays were encountered from the outset. The inventory presented by FMLN in February 1992 was incomplete and underwent several revisions before the final version was submitted in June 1992. Extended discussions in COPAZ delayed verification of the inventory.

55. Conditions for land transfer presented by the Government at the end of August 1992 led to complex discussions. ONUSAL, concerned at the consequence of further delays in initiating the transfer of land, which was supposed to have begun by 1 May 1992, became progressively more involved in the land issue. Taking into account the recommendations of experts from the International Monetary Fund (IMF), the World Bank and the Food and Agriculture Organization of the United Nations (FAO) who, at my request, visited El Salvador and worked with ONUSAL on this issue, I presented a proposal to the two sides on 13 October 1992 which was quickly accepted by both of them.

56. The proposal provided that the total number of beneficiaries should not exceed 47,500, consisting of 15,000 ex-combatants from FAES, 7,500 FMLN ex-combatants and approximately 25,000 landholders in the former zones of conflict. Given the complexity of the transfer process and the limited land and financing immediately available, my proposal established a three-phase programme for the provision of land to ex-combatants and to current landholders. If the latter occupy lands whose owners are unwilling to sell, they are to be relocated on alternative lands. Meanwhile, as required by the accords, the Government is to guarantee that current landholders will not be evicted from the properties they hold. This is a key point which, if it is ignored, could threaten the successful implementation of the peace accords. The Government has informed ONUSAL that it intends to provide the necessary guarantees. The actual amount of land available for transfer and the number of landholders on it will be known only after COPAZ has completed its verification of FMLN inventory and other Government's holdings of State land have also been verified.

57. Various operational aspects of the programme of land transfer need to be worked out by the supervisory committee established under my proposal. The programme manager and the Government's representative to the committee were appointed only recently, after considerable delay. Meanwhile, on 31 October 1992, the process of transfer started officially with the signing by the Government and FMLN, in the presence of ONUSAL, of an agreement to transfer two State properties to FMLN ex-combatants and current landholders on those properties. Several additional steps must yet be completed to define individual entitlements before the legal transfer and issue of titles can take place.

58. Since a large proportion of the land to be transferred is private land that must be purchased from its owners at market prices and with cash, the availability of adequate financing is of critical importance to the success of the programme. I shall be appealing to international and regional organizations and to bilateral donors to supplement the limited financing now available for the purchase of land, which will suffice to carry out land transfers to only 40 per cent of the beneficiaries.

59. New occupations of lands in the former zones of conflict, some of them by FMLN ex-combatants, have created new tensions. The ex-combatants assert that they are returning to lands on which they had been working before concentrating in the designated zones. One incident in October led to the Government's deploying a police contingent consisting of recently demobilized troops, a move which threatened the cease-fire. A clash was averted through the intervention of ONUSAL and the Archbishop of San Salvador. This incident illustrates the sensitive nature of the land issue in the former zones of conflict and the urgency of implementing the provisions of the accords, in accordance with my proposal of 13 October 1992.

60. FMLN has publicly called for a halt to further occupations of land in order to facilitate the land transfer programme. However, reports of occupations are still being received and are being investigated by ONUSAL.

B. Forum for Economic and Social Consultation

61. Following the second reprogramming of 19 August 1992, the National Private Enterprise Association finally decided to participate in the Forum, which was formally installed on 9 September. So far, the three participating sectors - Government, private employers and unions - have agreed upon internal regulations.

C. National reconstruction plan

62. The Government has maintained that public administration must be restored in the former zones of conflict so that the reconstruction plan can become fully operational. This requirement is now being met under procedures established by ONUSAL (see sect. VIII below).

63. With regard to the reintegration of ex-combatants into civilian life, the emergency assistance programmes for the first contingent of demobilized FMLN personnel were initiated with minor delays. The partial implementation of programmes for the second contingent began in early October 1992 and in early November 1992 for the third contingent. Problems in the programme for agricultural training were overcome by the Government and FMLN working together with ONUSAL and the United Nations Development Programme (UNDP). The programme for the medical care of disabled ex-combatants has started, but long-term rehabilitation programmes are still to be defined by the Government. Legislation in this respect has been pending in COPAZ but will be given priority once it is received in the Legislative Assembly.

64. Reintegration programmes for the medium term were prepared by the due date by the Government. However, the lack of financing continues to be a problem. Implementation procedures are still to be finalized and ONUSAL is pressing for their completion.

VII. POLITICAL PARTICIPATION BY FMLN

65. The Government completed a vital undertaking when, on 30 July 1992, FMLN was given the status of a "political party in formation". For this purpose, the Legislative Assembly approved a number of temporary reforms to the Electoral Code. The main obstacle raised had been article 7 of the Constitution which bans the existence of armed political groups. Objections on this ground were ultimately overcome since the disarming of FMLN ex-combatants was in progress under ONUSAL supervision.

66. Meanwhile, FMLN moved to establish itself as a political party, collecting the required number of signatures and presenting them to the Supreme Electoral Tribunal. After a large public meeting, FMLN proceeded to formalize the required documents at a ceremony on 1 September 1992 attended by political personalities and members of the diplomatic corps. With the Archbishop of San Salvador as a witness, FMLN leadership swore to respect the Constitution and the laws of El Salvador. The Government has not hindered FMLN's political activities, including proselytization, which were carried out with only minor problems and with open access to the media.

67. The unconstitutionality of armed political groups re-emerged as an issue when it became evident that the dismantling of the military structure of FMLN might not be completed by 31 October 1992. The governing party, ARENA, submitted to the Tribunal a formal, though non-binding, request that final registration of FMLN not be granted until it had fully demobilized. After deferring action for some time, the Tribunal issued a resolution on 12 November 1992. The resolution, approved by the majority of the Tribunal, stated that, while FMLN had complied with the established requirements, final registration could not be granted before evidence of total disarming and demobilization, duly documented by ONUSAL, was presented to the Tribunal, which would then grant final registration within 24 hours. On 19 November 1992 the Legislative Assembly extended for 30 days the temporary reforms to the Electoral Code, which were due to expire on 27 November 1992.

68. The Government has granted provisional licences, pending completion of some technical requirements, for two FMLN radio stations which were already broadcasting. The FMLN's request to be assigned a television licence has not been granted.

69. The Government has promised to take measures to accelerate the documentation of ex-combatants and to continue providing the facilities required for the protection of FMLN leaders.

VIII. RESTORATION OF PUBLIC ADMINISTRATION IN THE FORMER ZONES OF CONFLICT

70. Soon after the cease-fire on 1 February 1992, 24 of the 68 mayors then in exile returned to their municipalities. However, despite ONUSAL's efforts at the local and regional level, it was not possible to effect the return of the rest. This was due to the existence of particularly tense situations in their jurisdictions where the concentration of forces was still incomplete, and also to resistance by community organizations that had performed certain administrative functions in these areas during the conflict.

71. In July 1992, at the request of the national mayors' association (COMURES) and the association of community organizations (Concertación), ONUSAL initiated contacts between the mayors in exile and the local organizations which were resisting their return. In the second reprogramming of 19 August 1992, the Government and FMLN requested ONUSAL to prepare a programme for the restoration of public administration in the former zones of conflict. After consultation with both sides, this was finalized on 16 September 1992. Under the programme, a third of the mayors who were still in exile in July 1992 have now returned, and the rest will return by the year's end. The return of the judges in exile will now be coordinated by ONUSAL with the Supreme Court of Justice. ONUSAL will continue to exercise its good offices to ensure that the restoration of public administration in the former zones of conflict progresses smoothly without resurgence of tensions, especially after 15 December 1992.

IX. JUDICIAL SYSTEM

72. The majority of reforms to the judicial system required by the accords have been incorporated into the Constitution. However, there have been delays on secondary legislation. For example, bills pertaining to military jurisdiction. the National Council of the Judiciary and the judicial career were to have been enacted by 1 May 1992. The first was adopted only recently and the other two are pending in the Political Commission of the Legislative Assembly and are still to be revised by COPAZ.

X. ELECTORAL SYSTEM

73. After several months of discussion, in which important progress was made in narrowing differences among the parties, COPAZ is expected to submit shortly to the Legislative Assembly draft amendments to the Electoral Code. It is expected that the Assembly will approve the reformed Code by the proposed date of 10 December 1992.

74. The Government and FMLN were informed on 23 October 1992 that the United Nations had been approached by several opposition political parties, as well as by certain Member States, urging that the United Nations verify the 1994 elections, which will be the first to take place after the end of the conflict. COPAZ also has recommended unanimously to the President that an official request be made for such verification. The Government has informed the Secretary-General that it has requested the Supreme Electoral Tribunal, as the competent authority, to consider this proposal.

75. In August 1992, a United Nations mission under a UNDP technical assistance project visited El Salvador at the request of the Supreme Electoral Tribunal. It presented recommendations on the feasibility of introducing a personal identity document which would also be valid for the 1994 elections; it also provided other technical advice to the Tribunal.

XI. FINANCIAL ASPECTS

76. Should the Security Council decide to extend ONUSAL beyond its current mandate period, I shall request the General Assembly at its present session to make appropriate financial provisions for the maintenance of the Observer Mission during the period of extension.

77. As at 12 November 1992, unpaid assessed contributions to the ONUSAL Special Account for the period from inception through 11 November 1992 amounted to $11,625,882.

XII. OBSERVATIONS

78. The difficulties encountered throughout the negotiations to end the conflict in El Salvador and address its underlying causes were an early indication of the complexities awaiting the unprecedented United Nations endeavour that was to follow. It is no surprise that the implementation of these intricate agreements has encountered obstacles. But what is significant, and a cause of great satisfaction, is that, despite these problems and despite the distrust and polarization that a fratricidal conflict creates, the implementation of the peace process has advanced steadily and the obstacles have been overcome. The impeccable observance of the cease-fire and the ability of FMLN to engage in political activities in advance of its full legalization as a party are an impressive demonstration of the will of both the Government and FMLN to consolidate peace in their country. The peace process in El Salvador continues to give every sign of being irreversible.

79. None the less both parties to the peace accords have been responsible for late and/or imperfect compliance with many of their commitments, including the most sensitive and important ones. There have been a number of occasions when action or inaction on the part of one or other of the parties has put the whole process at serious risk. On such occasions considerable effort has been required from the United Nations, with unstinting help from the "Friends of the Secretary-General" (Colombia, Mexico, Spain, Venezuela), the United States of America and other interested Governments, to get the process back on track. The most serious threat to the process emerged when it became clear, simultaneously, that the formal ending of the armed conflict could not be achieved by the programmed date of 31 October 1992 and that there were difficulties over the schedule for the purification of the Armed Forces in accordance with the Chapultepec Agreement. It was in this situation that I proposed to the parties certain adjustments to the implementation process, with the results described in paragraphs 9 and 10 above. I am grateful to both parties for the flexibility which they showed in assisting me to overcome what I hope will be the last major obstacle to full and faithful implementation of the peace accords in their entirety.

80. The achievement of that goal will however continue to require flexibility and restraint on the part of the Government and FMLN, especially in the zones of former conflict, where the population has suffered directly from, and often been displaced by, military operations and where tensions remain. It is incumbent upon the Government and FMLN to ensure that the restoration of normal conditions in these zones is achieved in a spirit of détente and reconciliation. The same is true of the intricate process for the transfer of lands to ex-combatants and the regularization of the situation of those who occupied lands during the conflict. That programme, which will extend well into 1993 and perhaps beyond, will require from all concerned patience and willingness to work constructively together.

81. Successful completion of the peace process will also require continuing support from the international community both through the continued existence of ONUSAL and through the provision of voluntary contributions to support activities that the Government cannot finance itself but which it would not be appropriate to include in ONUSAL's budget. The most important of these are the third phase of the lands transfer programme, for which an estimated $85 million will be required, and the National Public Security Academy, for which, as reported in paragraph 34 above, funds are not presently available beyond the end of the current year. I shall be appealing to Governments to contribute generously in support of both these programmes.

82. As regards ONUSAL, its mandate under paragraph 2 of resolution 693 (1991) is "to monitor all agreements concluded between the two parties". These are the agreements signed by the Government and FMLN on 26 July 1990, 27 April 1991, 25 September 1991 and 16 January 1992. Since certain major undertakings, such as the reduction of the Armed Forces and the deployment of the National Civil Police, extend into 1994, it is my intention to submit to the Security Council at appropriate intervals my recommendations on the future activities and strength of ONUSAL, taking into account progress made in

implementing the peace process. My reports will of course recommend such reductions in the strength of ONUSAL as the evolution of its mandate permits.

83. The Military Division has already been reduced to a strength of 226 and it will be reduced further to 103 officers in January 1993. The Police Division may also be reduced from March 1993 in step with the progressive deployment of the new National Civil Police, and it will be phased out once this deployment is completed in early 1994. In the event that ONUSAL is required to verify the elections, the personnel required for this task would be phased in as required by the electoral process and their assignment would end immediately after the elections in March 1994. It can thus be anticipated that ONUSAL will complete its mission by mid-1994. For the present, I recommend that the Security Council extend the mission's mandate for a further period of six months, to 31 May 1993.

84. A decision in this sense by the Security Council will be another token of the international community's commitment to support the peace process in El Salvador. This commitment is of course based on the belief that Salvadorians themselves will show a matching commitment. It is only through determined efforts by all sectors of Salvadorian society to overcome the rancours caused by the conflict that the country will return to the path of lasting peace. Not only must the parties dedicate themselves to such efforts, but the Salvadorian media also must play a positive role in exercising the power that they possess to educate public opinion and influence positively the hearts and minds of the people. A special concern at present is the anonymous threats that have frequently appeared of late in the newspapers and which, along with more direct anonymous threats, are aimed at FMLN leaders, political personalities and members of ONUSAL. The Government has been asked repeatedly to investigate these threats and to take effective action before any serious incidents occur.

85. In conclusion, I should like to take this opportunity to express my support for, and pay tribute to, my Special Representative, Mr. Iqbal Riza, and to the military, police and civilian personnel of ONUSAL who under his leadership are tackling with courage, impartiality and determination the challenging task of helping the people of El Salvador to achieve just and lasting peace in their country.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/24834
23 November 1992

ORIGINAL: ENGLISH

LETTER DATED 20 NOVEMBER 1992 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to paragraph 7 of Security Council resolution 788 (1992) of 19 November 1992, by which the Council requested me to dispatch urgently a Special Representative to Liberia to evaluate the situation and to report to the Security Council as soon as possible with any recommendations I might wish to make.

I am now in a position to inform the Security Council that I intend to appoint Mr. Trevor Gordon-Somers as Special Representative for Liberia.

I should be most grateful if you would bring this matter to the attention of the Security Council.

(Signed) Boutros BOUTROS-GHALI

92-74436 3612g (E) 231192

231192

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/24835
23 November 1992

ORIGINAL: ENGLISH

LETTER DATED 23 NOVEMBER 1992 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 20 November 1992 (S/24834) concerning the appointment of Mr. Trevor Gordon-Somers as your Special Representative for Liberia has been brought to the attention of the members of the Council. They welcome your decision.

(Signed) André ERDÖS
President of the Security Council

92-74442 3559c (E) 231192 231192

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/24836
23 November 1992
ENGLISH
ORIGINAL: ARABIC/CHINESE/
ENGLISH/FRENCH/
RUSSIAN/SPANISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations among members of the Security Council, the President of the Council made the following introductory statement, on behalf of the Council, at its 3139th meeting, on 23 November 1992, in connection with the Council's consideration of the item entitled:

"(a) The situation between Iraq and Kuwait

"(b) Letter dated 2 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/22435)

Letter dated 4 April 1991 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/22442)

Letter dated 5 March 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council (S/23685 and Add.1)

Letter dated 3 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council (S/24386)

Letter dated 19 November 1992 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council (S/24828).

"I. General obligation

"1. The resolutions concerning the situation between Iraq and Kuwait impose a number of general and specific obligations upon Iraq.

"2. As regards the general obligations, Iraq is required, under paragraph 33 of Security Council resolution 687 (1991), to give official notification to the Secretary-General and to the Security Council of its acceptance of the provisions of that entire resolution.

"3. Iraq signified its unconditional acceptance in letters dated 6 and 10 April 1991 (S/22456 and S/22480, respectively) and 23 January 1992 (S/23472).

"II. Specific obligations

"4. In addition to the general obligation to accept the provisions of resolution 687 (1991) in their entirety, several Security Council resolutions impose specific obligations upon Iraq.

"(a) Respect for the inviolability of the international boundary

"5. By paragraph 2 of resolution 687 (1991) the Security Council demands that Iraq respect the inviolability of the international boundary and the allocations of islands previously agreed upon between Iraq and Kuwait. Pursuant to paragraph 3 of that resolution, the Secretary-General established a Boundary Demarcation Commission to demarcate the boundary between Iraq and Kuwait. Paragraph 5 of the same resolution requires Iraq and Kuwait to respect a demilitarized zone (DMZ) established by the Security Council.

"6. Iraq did not participate in the work of the Boundary Demarcation Commission at its July 1992 and October 1992 sessions. Iraq has refused up to now to withdraw a number of police posts that are not in line with UNIKOM's principle that both sides should stay 1,000 metres from the boundary line shown on UNIKOM's map. The Council in paragraph 2 of resolution 773 (1992) welcomed the Commission's land demarcation decisions and, by paragraph 5, the intention of the Secretary-General to carry out at the earliest practicable time the realignment of the DMZ to correspond to the international boundary demarcated, by the Commission, with the consequent removal of the Iraqi police posts.

"7. In response to the Iraqi Foreign Minister's 21 May 1992 letter to the Secretary-General (S/24044), the Security Council in a 17 June 1992 statement (S/24113) stressed to Iraq the inviolability of the international boundary between Iraq and Kuwait being demarcated by the Commission and guaranteed by the Council pursuant to resolution 687 (1991). The Presidential statement also noted with dismay that the Iraqi Foreign Minister's letter recalled past Iraqi claims to Kuwait without also recalling Iraq's subsequent repudiation of these claims. The members of the Council firmly rejected any suggestion that tended to dispute the existence of Kuwait. Resolution 773 (1992) underlined the Council's guarantee of the above-mentioned international boundary and its decision to take as appropriate all necessary measures to that end in

accordance with the Charter, as provided for in paragraph 4 of resolution 687 (1991).

"(b) Weapons-related obligations

"8. Section C of resolution 687 (1991) imposes certain specific obligations upon Iraq with respect to its chemical and biological weapons programmes, its ballistic missile programmes with a range greater than 150 kilometres and its nuclear programmes. These obligations are elaborated upon in resolutions 707 (1991) and 715 (1991). The obligations are defined in paragraphs 8, 9, 10, 11, 12 and 13 of resolution 687 (1991) and they are elaborated upon in paragraphs 3 and 5 of resolution 707 (1991) and paragraph 5 of resolution 715 (1991).

"9. By resolution 699 (1991), the Security Council decided that the Government of Iraq shall be liable for the full costs of carrying out the tasks authorized by section C of resolution 687 (1991). No funds have so far been received from Iraq to meet this liability.

"10. The Council has noted that since the adoption of resolution 687 (1991) progress has been made in the implementation of section C of that resolution but that much remains to be done. In particular, Iraq needs to provide the full, final and complete disclosure of all aspects of its programmes for weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres. There is a particular and vital requirement for complete information, including credible documentary evidence on Iraq's past production, suppliers and consumption of all prohibited items, and its past capacity to produce such items.

"11. Iraq must also acknowledge clearly its obligations under Security Council resolution 715 (1991) and the two plans for ongoing monitoring and verification approved thereunder. It must agree to implement these obligations unconditionally. In this connection the Council notes the letter of 28 October 1992 from Iraq's Minister of Foreign Affairs to the Secretary-General seeking a review of the terms and provisions not only of resolution 715 (1991) but also Security Council resolution 707 (1991). It is accordingly clear that Iraq seems unprepared to comply with the obligations already prescribed.

"12. The Special Commission has informed the Council about the outstanding matters that would at the present time appear to be the most important. The Council has noted document S/24661 of 19 October 1992 entitled 'The Status of the Implementation of the Plan for the Ongoing Monitoring and Verification of Iraq's Compliance with Relevant Parts of Section C of Security Council resolution 687 (1991)'.

"13. The Council has also noted the document S/24722 of 28 October 1992 containing the second report of the Director General of the International Atomic Energy Agency (IAEA) on the implementation of the Agency's plan for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991).

"14. In a statement issued on behalf of the members of the Council (S/23803) on the Special Commission's right to conduct aerial surveillance flights in Iraq, the President stated on 10 April 1992 that:

'The members of the Council wish to point out that the surveillance flights are carried out under the authority of Security Council resolutions 687 (1991), 707 (1991) and 715 (1991). Reaffirming the right of the Special Commission to conduct such aerial surveillance flights, the members of the Council call upon the Government of Iraq to take all the necessary steps to ensure that the Iraqi military forces will not interfere with or threaten the security of the flights concerned and to comply with its responsibilities to secure the safety of the Special Commission's aircraft and personnel flying over Iraq.'

The President also said:

'that the members of the Council warn the Government of Iraq of the serious consequences which would ensue from any failure to comply with these obligations'.

"15. The Special Commission, on 15 October 1992, informed the Council of actions endangering the safety and security of the Commission's inspection teams in Iraq, including a systematic campaign of harassment, acts of violence, vandalism to property and verbal denunciations and threats at all levels. The President of the Council issued on the same day a statement to the press stressing the Council's particular concern for the safety of the Commission's inspectors.

"16. In a further statement made on 6 July 1992 on behalf of the Council (S/24240) concerning the Government of Iraq's refusal to permit access to certain premises by a team of inspectors, the President said:

'Iraq's present refusal to permit access to the Inspection Team currently in Iraq to the premises designated by the Special Commission constitutes a material and unacceptable breach by Iraq of a provision of resolution 687 (1991) which established the cease-fire and provided the conditions essential to the restoration of peace and security in the region. The members of the Council demand that the Government of Iraq immediately agree to the admission to the premises concerned of the inspectors of the Special Commission as required by the Chairman of the Special Commission, so that the Special Commission may establish whether or not any documents, records, materials, or equipment relevant to the responsibilities of the Commission are located therein.'

"Security Council resolution 707 (1991) demands that Iraq allow the Special Commission, the IAEA and their inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect. Therefore, the Council cannot accept Iraq's insistence that there must be a limit on access by the inspection teams.

"(c) Repatriation of and access to Kuwaiti and third-country nationals in Iraq

"17. As regards Kuwaiti and third-country nationals in Iraq, Security Council resolutions 664 (1990), 666 (1990), 667 (1990), 674 (1990), 686 (1991) and 687 (1991) impose an obligation on Iraq to release, facilitate repatriation of, and arrange for immediate access to them, as well as the return of the remains of any deceased personnel of the forces of Kuwait and of the member States cooperating with Kuwait pursuant to resolution 678 (1990). Furthermore, paragraph 30 of resolution 687 (1991) requires Iraq to extend all necessary cooperation to the International Committee of the Red Cross (ICRC) in facilitating the search for Kuwaiti and third-country nationals still unaccounted for.

"18. In spite of ICRC's best ongoing efforts, ICRC has not received information as to the whereabouts of the persons reported missing in Iraq. Nor has it received detailed and documented information on the search conducted by the Iraqi authorities. Following the 11-12 March 1992 Council meeting with the Iraqi Deputy Prime Minister, Iraq published in its press lists of those believed missing/detained inside Iraq. ICRC has still not received permission to visit Iraqi prisons and detention centres in accordance with standard ICRC criteria. Very few missing persons/detainees have been released since March 1992, while hundreds are believed still to be inside Iraq.

"(d) Iraq's liability under international law

"19. Another obligation concerns Iraq's liability under international law. In resolution 674 (1990), the Security Council reminds Iraq that under international law it is liable for any loss, damage or injury arising in regard to Kuwait and third States and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq'. Its liability under international law is reaffirmed in paragraph 2 (b) of resolution 686 (1991) and paragraph 16 of resolution 687 (1991). Resolution 687 (1991) further specifies that it 'is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait'.

"20. By paragraph 18 of the same resolution, the Security Council created a fund to pay compensation for claims that fall within paragraph 16, to be financed by a percentage of the value of the exports of petroleum and petroleum products from Iraq. In view of the existing economic sanctions against Iraq under resolution 661 (1991), Iraq was permitted by the Security Council under resolutions 706 (1991) and 712 (1991) to sell a limited quantity of oil, as an exception, a portion of the proceeds from which would be used to provide financial resources for the fund. To date, it has not availed itself of this possibility. The Council noted that this authorization lapsed on 18 March 1992 but indicated its

readiness to authorize the regime for the sale of Iraqi petroleum and petroleum products for a like period of time as that specified in the resolutions and also its readiness to consider possible further extensions (S/23732, 19 March 1992). Since then Iraq has not shown any willingness to resume discussions about implementing these resolutions. The members of the Council are aware of a previous request by Iraq for a five-year moratorium on meeting its financial obligations, including payments into the Compensation Fund.

"21. In view of Iraq's refusal to cooperate in the implementation of resolutions 706 (1991) and 712 (1991) after several rounds of technical discussions with the Secretariat, the Security Council adopted resolution 778 (1992) which mandates that certain frozen Iraqi assets be transferred to a United Nations escrow account. A portion of these funds will be transferred to the Compensation Fund.

"(e) Repayment and servicing of Iraq's foreign debt

"22. With regard to another obligation, the Security Council, in paragraph 17 of resolution 687 (1991), demands that Iraq scrupulously adhere to all of its obligations concerning servicing and repayment of its foreign debt.

"(f) Nonentitlement to claims deriving from the effects of the measures taken by the Security Council in resolution 661 (1990) and related resolutions (para. 29 of resolution 687 (1991)) of the Security Council

"23. According to information received with regard to this item, Iraq has attempted to enforce some claims under which it would have benefitted from a contract frustrated by the coming into effect of the terms of resolution 661 (1990), in particular, through the confiscation of the property of foreign companies and organizations left in Iraq.

"(g) Return of property

"24. I now turn to the question of return of property. The Security Council, in paragraph 2 (d) of resolution 686 (1991), demands that Iraq immediately begin to return all Kuwaiti property seized by it, to be completed in the shortest possible period. The members of the Council have previously noted with satisfaction that Iraqi officials involved with the return of property have extended cooperation to the United Nations to facilitate the return. However, much property, including military equipment and private property, remains to be returned.

"(h) Monthly statements of gold and foreign currency reserves

"25. Another obligation is set out by paragraph 7 of resolution 706 (1991), under which the Government of Iraq is required to provide to the Secretary-General and appropriate international organizations monthly

statements of its gold and foreign currency reserves. To date, no such statements have been provided to the Secretary-General or to the IMF.

"(i) Undertaking not to commit or support acts of international terrorism

"26. By paragraph 32 of resolution 687 (1991), Iraq is required not to commit or support acts of international terrorism or allow any organization directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism.

"27. The Council notes Iraq's statements contained in letters dated 11 June 1991 (S/22687 and S/22689) and 23 January 1992 (S/23472) that it is a party to international conventions against terrorism and that it has never pursued a policy favourable to international terrorism as defined by international law.

"(j) Security Council action with respect to the Iraqi civilian population

"28. Resolutions 706 (1991) and 712 (1991) provide a means for Iraq to meet its obligations to supply its civilian population with needed humanitarian assistance, particularly food and medicine. Resolution 778 (1992) mandates that certain frozen Iraqi assets be transferred to a United Nations escrow account and urges States to contribute funds from other sources to the escrow account. A portion of these funds will be used for humanitarian assistance.

"III. Security Council resolution 688 (1991)

"29. I should now like to refer to the demands by the Security Council with respect to the Iraqi civilian population. In paragraph 2 of resolution 688 (1991), the Security Council demands that Iraq, as a contribution to removing the threat to international peace and security in the region, end the repression of its civilian population. In paragraphs 3 and 7, the Security Council insists that it allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq, and demands its cooperation with the Secretary-General to these ends.

"30. The Security Council remains deeply concerned at the grave human rights abuses that, despite the provisions of resolution 688 (1991), the Government of Iraq continues to perpetrate against its population, in particular in the northern region of Iraq, in southern Shi'a Centres and in the southern marshes (Commission on Human Rights resolution 1992/71 of 5 March 1992). The Security Council notes that this situation is confirmed by the reports of the Special Rapporteur of the Commission on Human Rights (E/CN.4/1992/31, also circulated as document S/23685 and

Add.1, and part I of the interim report circulated as document S/24386). The members of the Council recall their public meeting with Mr. Max van der Stoel on 11 August 1992.

"31. The members of the Security Council take note of the renewal on 22 October 1992 the Memorandum of Understanding providing the framework for urgent humanitarian assistance throughout the country between the United Nations and the Government of Iraq.

"IV. Concluding observation

"32. In view of the observations on the record of Iraq's performance, and without prejudice to further action by the Security Council on the question of the implementation of its relevant resolutions by Iraq, the Security Council has considered itself justified in concluding that Iraq has up to now only selectively and then partially complied with the obligations placed upon it by the Council. It is the Council's hope that this meeting will prove a valuable opportunity to impress once again upon Iraq the imperative need for full compliance and to obtain from Iraq undertakings which would constitute an advance in the consideration of this issue as required in the interest of world peace and security, as well as that of the Iraqi people."

UNITED NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/47/709
S/24837
23 November 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Agenda items 18 and 97
IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Forty-seventh year

Letter dated 23 November 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I would like to convey to you the text of a statement by the Government of Portugal on the arrest of Mr. Xanana Gusmão, leader of the East Timorese resistance (see annex).

I would be grateful if you kindly arrange for this letter and its annex to be circulated as an official document of the General Assembly, under agenda items 18 and 97, and of the Security Council.

(Signed) Pedro CATARINO
Ambassador
Permanent Representative
to the United Nations

Annex

Statement issued by the Government of Portugal on 20 November 1992 on the arrest of Mr. Xanana Gusmão, leader of the East Timorese resistance

According to reports that have just been received, the Indonesian authorities, which are illegally occupying the territory of East Timor, have this morning in Dili captured the leader of the Timorese resistance, Mr. Xanana Gusmão.

Mr. Xanana Gusmão has symbolized, through his courage and tenacity revealed in the carrying out of a struggle involving great risks and in adverse circumstances, the determination with which the people of East Timor have opposed the brutal Indonesian occupation.

The Government of Portugal appeals to the international community for it to act, without delay, to achieve the freedom and insure the physical integrity of Mr. Xanana Gusmão and guarantee that his rights as a human being are completely respected by the authorities of Indonesia.

Portugal reaffirms its determination to continue its actions in defence of the rights and liberties of the people of East Timor, including that of being permitted to choose freely their political future, a right which they have been denied and without which it will not be possible to bring to an end the intolerable situation which prevails in the territory.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/24838
24 November 1992

ORIGINAL: ENGLISH

LETTER DATED 22 NOVEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, dated 20 November 1992, from the President of the Republic of Bosnia and Herzegovina, His Excellency Mr. Alija Izetbegovic.

In addition to the information in the letter regarding a disturbing escalation in Serbia and Montenegro's role in Bosnia and Herzegovina, I wish to inform you of the following.

A communiqué dated 12 November 1992 from the Presidency noted that the aggression against Bosnia and Herzegovina continues, despite an agreed upon cease-fire. On that day, forces of the Yugoslav People's Army, together with local Serbian proxies, were attacking Travnik. Heavy artillery was in continuous use against Gradacac, Brcko, Olovo and Srebrenica. The Presidency noted that while Belgrade troops were intensifying their attacks, the leadership in Belgrade was deviously accusing Croatia and Bosnia and Herzegovina of violations of the cease-fire.

A communiqué dated 14 November 1992 from the Presidency reported that joint forces of the Yugoslav People's Army and Serbian and Montenegrin paramilitary units have concentrated armoured vehicles around the city of Bajina Basta in Serbia, with the intention of moving against Srebrenica in Bosnia and Herzegovina. Similar movements have been observed in the area of Dobrun and Metaljka on the border between Montenegro and Bosnia and Herzegovina.

A communiqué dated 18 November 1992 from the Ministry of Foreign Affairs reported that on 17 November Serbian and Montenegrin forces attacked the town of Tesnanj with two Scud ground-to-ground missiles. On the same day, the towns of Travnik, Brcko, Gradacac and parts of Sarajevo came under heavy artillery fire.

May I ask for your kind assistance in circulating this letter and its annex as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

Annex

Letter dated 20 November 1992 from the President of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council

We have a confirmed information that yesterday, 19 November 1992, at 6 p.m. two Luna-Scud ground-to-ground missile units, belonging to the Yugoslav Army which are assumed to be heading in the direction of Glina-Zagreb, Modriča-Osijek or Travnik-Sarajevo. The units are in two convoys of 10 to 12 vehicles with heavy police escort.

This is yet another proof that the Yugoslav Army and the local Serbian forces do not give up military option in solving the crisis in Bosnia and Herzegovina. Usurping the peace-striving initiatives, resolutions and the cease-fire, they are bringing new reinforcement and intensify their offensive in many a place.

Therefore, we are asking you to start the relevant United Nations mechanisms as to halt the movement of the missile units. These units are to substitute for the air force once the embargo on military flights over the territory of Bosnia and Herzegovina has been imposed.

(Signed) Alija IZETBEGOVIC